



City Environmental Quality Review

ENVIRONMENTAL ASSESSMENT STATEMENT

PART I, GENERAL INFORMATION

Reference Numbers

1. 04DCP025Y

CEQR REFERENCE NUMBER (TO BE ASSIGNED BY LEAD AGENCY)

040202 ZRY

ULURP REFERENCE NO. IF APPLICABLE

BSA REFERENCE NO. IF APPLICABLE

OTHER REFERENCE NO.(S) IF APPLICABLE
(e.g. Legislative Intro, CAPA, etc)

Lead Agency & Applicant Information

PROVIDE APPLICABLE
INFORMATION

2a. Lead Agency

Department of City Planning

NAME OF LEAD AGENCY

Robert Dobruskin

NAME OF LEAD AGENCY CONTACT PERSON

22 Reade Street

ADDRESS

New York, NY

10007

CITY

STATE

ZIP

(212) 720-3423

TELEPHONE

(212) 720-3495

FAX

rdobrus@planning.nyc.gov

EMAIL ADDRESS

2b. Applicant Information

see page 1a

NAME OF APPLICANT

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON

ADDRESS

CITY

STATE

ZIP

TELEPHONE

FAX

EMAIL ADDRESS

Action Description

SEE CEQR MANUAL
SECTIONS 2A & 2B

3a. NAME OF PROPOSAL Community Facilities Text Amendment

3b. DESCRIBE THE ACTION(S) AND APPROVAL(S) BEING SOUGHT FROM OR UNDERTAKEN BY CITY (AND IF APPLICABLE, STATE AND FEDERAL AGENCIES) AND, BRIEFLY, DESCRIBE THE DEVELOPMENT OR PROJECT THAT WOULD RESULT FROM THE PROPOSED ACTION(S) AND APPROVAL(S):

See Attachment A for a description of the proposed text amendment. The text amendment is included in its entirety in Attachment C.

3c. DESCRIBE THE PURPOSE OF AND NEED FOR THE ACTION(S) AND APPROVAL(S):

See Attachment A

Required Action or Approvals

4. CITY PLANNING COMMISSION

☐ Yes

☐ No

☐ Change in City Map

☐ Zoning Certification

☐ Site Selection - Public Facility

☐ Zoning Map Amendment

☐ Zoning Authorization

☐ Disposition - Real Property

☐ Franchise

☐ Zoning Text Amendment

☐ Housing Plan & Project

☐ UDAAP

☐ Revocable Consent

☐ Concession

☐ Charter 197-a Plan

☐ Zoning Special Permit, specify type: _____

☐ Modification of _____

☐ Renewal of _____

☐ Other _____

5. UNIFORM LAND USE PROCEDURE (ULURP) ☐ Yes

☐ No

6. BOARD OF STANDARDS AND APPEALS

☐ Yes

☐ No

☐ Special Permit

☐ New

☐ Renewal

Expiration Date _____

☐ Variance

☐ Use

☐ Bulk

Specify affected section(s) of Zoning Resolution _____

7. DEPARTMENT OF ENVIRONMENTAL PROTECTION

☐ Yes

☐ No

☐ Title V Facility

☐ Power Generation Facility

☐ Medical Waste Treatment Facility

8. OTHER CITY APPROVALS ☐ Yes ☐ No
☐ Legislation ☐ Rulemaking; specify agency: _____
☐ Construction of Public Facilities ☐ Funding of Construction, Specify ☐ Funding of Programs, Specify
☐ Policy or plan ☐ Permits, Specify: _____
 Other; explain: _____

9. STATE ACTIONS/APPROVALS/FUNDING ☐ Yes ☐ No
 If "Yes," identify _____

10. FEDERAL ACTIONS/APPROVALS/FUNDING ☐ Yes ☐ No
 If "Yes," identify _____

Action Type

11a. ☐ Unlisted; or ☐ Type I; specify category (see 6 NYCRR 617.4 and NYC Executive Order 91 OF 1977, as amended): 617.4(b)(2)

11b. ☐ Localized action, site specific ☐ Localized action, change in regulatory control for small area ☐ Generic action

Analysis Year

12. Identify the analysis year (or build year) for the proposed action: 2014

Would the proposal be implemented in a single phase? ☐ Yes ☐ No ☐ NA.

Anticipated period of construction: _____

Anticipated completion date: _____

Would the proposal be implemented in multiple phases? ☐ Yes ☐ No ☐ NA.

Number of phases: _____

Describe phases and construction schedule: _____

Directly

Affected Area

INDICATE LOCATION
OF PROJECT SITE FOR
ACTIONS INVOLVING A
SINGLE SITE ONLY

(PROVIDE
ATTACHMENTS AS
NECESSARY FOR
MULTIPLE SITES)

13a. LOCATION OF PROJECT SITE

City-wide. See graphics in Att. D showing the location of directly affected zoning districts.

STREET ADDRESS _____

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS _____

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION IF ANY _____

ZONING SECTIONAL MAP NO. _____

TAX BLOCK AND LOT NUMBERS _____

BOROUGH _____

COMMUNITY DISTRICT NO. _____

13b. PHYSICAL DIMENSIONS AND SCALE OF PROJECT **See Attachment A**

TOTAL CONTIGUOUS SQUARE FEET OWNED OR CONTROLLED BY PROJECT SPONSOR: _____ SQ. FT.

PROJECT SQUARE FEET TO BE DEVELOPED: _____ SQ. FT.

GROSS FLOOR AREA OF PROJECT: _____ SQ. FT.

IF THE ACTION IS AN EXPANSION, INDICATE PERCENT OF EXPANSION PROPOSED

IN THE NUMBER OF UNITS, SQ. FT. OR OTHER APPROPRIATE MEASURE: _____ % OF _____

DIMENSIONS (IN FEET) OF LARGEST PROPOSED STRUCTURE: _____ HEIGHT; _____ WIDTH; _____ LENGTH.

LINEAR FEET OF FRONTAGE ALONG A PUBLIC THOROUGHFARE: _____

13c. IF THE ACTION WOULD APPLY TO THE ENTIRE CITY OR TO AREAS THAT ARE SO EXTENSIVE THAT A SITE-SPECIFIC DESCRIPTION IS NOT APPROPRIATE OR PRACTICABLE, DESCRIBE THE AREA LIKELY TO BE AFFECTED BY THE ACTION:

See Attachment A

13d. DOES THE PROPOSED ACTION INVOLVE CHANGES IN REGULATORY CONTROLS THAT WOULD AFFECT ONE OR MORE SITES NOT ASSOCIATED WITH A SPECIFIC DEVELOPMENT? ☐ Yes ☐ No

IF 'YES', IDENTIFY THE LOCATION OF THE SITES PROVIDING THE INFORMATION REQUESTED IN 13a & 13b

ABOVE. **See Attachment A**

PART II, SITE AND ACTION DESCRIPTION

Site Description

EXCEPT WHERE OTHERWISE INDICATED, ANSWER THE FOLLOWING QUESTIONS WITH REGARD TO THE DIRECTLY AFFECTED AREA. THE DIRECTLY AFFECTED AREA CONSISTS OF THE PROJECT SITE AND THE AREA SUBJECT TO ANY CHANGE IN REGULATORY CONTROLS.

1. **GRAPHICS** Please attach: (1) a Sanborn or other land use map; (2) a zoning map; and (3) a tax map. On each map, clearly show the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. The maps should not exceed 8½ x 14 inches in size. **See Attachment D**

2. **PHYSICAL SETTING** (both developed and undeveloped areas) **See Attachment A**

Total directly affected area (sq. ft.): _____ Water surface area (sq. ft.): _____
Roads, building and other paved surfaces (sq. ft.): _____ Other, describe (sq. ft.): _____

3. **PRESENT LAND USE** **See Attachment A**

Residential

Total no. of dwelling units: _____ No. of low-to-moderate income units: _____
No. of stories: _____ Gross floor area (sq. ft.): _____
Describe type of residential structures: _____

Commercial

Retail: No. of bldgs: _____ Gross floor area of each building (sq. ft.): _____
Office: No. of bldgs: _____ Gross floor area of each building (sq. ft.): _____
Other: No. of bldgs: _____ Gross floor area of each building (sq. ft.): _____
Specify type(s): _____ No. of stories and height of each building: _____

Manufacturing/Industrial

No. of bldgs: _____ Gross floor area of each building (sq. ft.): _____
No. of stories and height of each building: _____
Type of use(s): _____ Open storage area (sq. ft.): _____
If any unenclosed activities, specify: _____

Community facility

Type of community facility: _____
No. of bldgs: _____ Gross floor area of each building (sq. ft.): _____
No. of stories and height of each building: _____

Vacant land

Is there any vacant land in the directly affected area? ☐ Yes ☐ No
If yes, describe briefly: _____

Publicly accessible open space

Is there any existing publicly accessible open space in the directly affected area? ☐ Yes ☐ No
If yes, describe briefly: _____

Does the directly affected area include any mapped City, State or Federal parkland? ☐ Yes ☐ No
If yes, describe briefly: _____

Does the directly affected area include any mapped or otherwise known wetland? ☐ Yes ☐ No
If yes, describe briefly: _____

Other land use

No. of stories: _____ Gross floor area (sq. ft.): _____
Type of use: _____

4. **EXISTING PARKING** **See Attachment A**

Garages

No. of public spaces: _____ No. of accessory spaces: _____
Operating hours: _____ Attended or non-attended? _____

Lots

No. of public spaces: _____ No. of accessory spaces: _____
Operating hours: _____ Attended or non-attended? _____

Other (including street parking) - please specify and provide same data as for lots and garages, as appropriate.

5. **EXISTING STORAGE TANKS** **See Attachment A**

Gas or service stations? ☐ Yes ☐ No Oil storage facility? ☐ Yes ☐ No Other? ☐ Yes ☐ No
If yes, specify: _____
No. and size of tanks: _____ Last NYFD inspection date: _____
Location and depth of tanks: _____

6. CURRENT USERS See Attachment A

No. of residents: _____

No. and type of businesses: _____

No. and type of workers by businesses: _____

No. and type of non-residents who are not workers: _____

7. HISTORIC RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES)

Answer the following two questions with regard to the directly affected area, lots abutting that area, lots along the same blockfront or directly across the street from the same blockfront, and, where the directly affected area includes a corner lot, lots which front on the same street intersection. **See Attachment A**

Do any of the areas listed above contain any improvement, interior landscape feature, aggregate of landscape features, or archaeological resource that:

- (a) has been designated (or is calendared for consideration as) a New York City Landmark, Interior Landmark or Scenic Landmark;
- (b) is within a designated New York City Historic District;
- (c) has been listed on, or determined eligible for, the New York State or National Register of Historic Places;
- (d) is within a New York State or National Register Historic District; or
- (e) has been recommended by the New York State Board for listing on the New York State or National Register of Historic Places?

Identify any resource: See Historic Resources analysis

Do any of the areas listed in the introductory paragraph above contain any historic or archaeological resource, other than those listed in response to the previous question? Identify any resource. No

8. WATERFRONT REVITALIZATION PROGRAM See Attachment A

Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries? ☐ Yes ☐ No
(A map of the boundaries can be obtained at the Department of City Planning bookstore.)

If yes, append a map showing the directly affected area as it relates to such boundaries. A map requested in other parts of this form may be used.

9. CONSTRUCTION See Attachment A

Will the action result in demolition of or significant physical alteration to any improvement? ☐ Yes ☐ No

If yes, describe briefly:

Will the action involve either above ground construction resulting in any ground disturbance or in-ground construction? ☐ Yes ☐ No

If yes, describe briefly:

10. PROPOSED LAND USE See Attachment A

Residential

Total no. of dwelling units _____ No. of low-to-moderate income units _____ Gross floor area (sq. ft.) _____

No. of stories _____ Describe type of residential structures: _____

Commercial

Retail: No. of bldgs _____ Gross floor area of each building (sq. ft.): _____

Office: No. of bldgs _____ Gross floor area of each building (sq. ft.): _____

Other: No. of bldgs _____ Gross floor area of each building (sq. ft.): _____

Specify type(s): _____

No. of stories and height of each building: _____

Manufacturing/Industrial

No. of bldgs _____ Gross floor area of each building (sq. ft.): _____

No. of stories and height of each building: _____

Type of use(s): _____ Open storage area (sq. ft.) _____ If any unenclosed activities, specify: _____

Community facility

Type of community facility: _____

No. of bldgs _____ Gross floor area of each building (sq. ft.): _____

No. of stories and height of each building: _____

Vacant land

Is there any vacant land in the directly affected area? ☐ Yes ☐ No

If yes, describe briefly:

Publicly accessible open space

Is there any existing publicly accessible open space to be removed or altered? ☐ Yes ☐ No

If yes, describe:

Is there any existing publicly accessible open space to be added? ☐ Yes ☐ No

If yes, describe:

Other land use

Gross floor area (sq. ft.) _____

No. of stories _____

Type of use: _____

11. PROPOSED PARKING See Attachment A

Garages

No. of public spaces: _____

No. of accessory spaces: _____

Operating hours: _____

Attended or non-attended? _____

Lots

No. of public spaces: _____

No. of accessory spaces: _____

Operating hours: _____

Attended or non-attended? _____

Other (including street parking) - please specify and provide same data as for lots and garages, as appropriate.

No. and location of proposed curb cuts: _____

12. PROPOSED STORAGE TANKS See Attachment A

Gas or service stations? ☐ Yes ☐ No

Oil storage facility? ☐ Yes ☐ No Other? ☐ Yes ☐ No

If yes, specify: _____

No. and size of tanks: _____

Location and depth of tanks: _____

13. PROPOSED USERS See Attachment A

No. of residents: _____

No. and type of businesses: _____

No. and type of workers by businesses: _____

No. and type of non-residents who are not workers: _____

14. HISTORIC RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES)

Will the action affect any architectural or archaeological resource identified in response to either of the two questions at number 7 in the Site Description section of the form? ☐ Yes ☐ No **See Attachment A**

If yes, describe briefly: _____

15. DIRECT DISPLACEMENT See Attachment A

Will the action directly displace specific business or affordable and/or low income residential units? ☐ Yes ☐ No

If yes, describe briefly: _____

16. COMMUNITY FACILITIES See Attachment A

Will the action directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations? ☐ Yes ☐ No

If yes, describe briefly: _____

17. What is the zoning classification(s) of the directly affected area? See Attachment A

18. What is the maximum amount of floor area that can be developed in the directly affected area under the present zoning?

Describe in terms of bulk for each use. **See Attachment A**

19. What is the proposed zoning of the directly affected area? Existing zoning to remain as is.

20. What is the maximum amount of floor area that could be developed in the directly affected area under the proposed zoning?

Describe in terms of bulk for each use.

21. What are the predominant land uses and zoning classifications within a 1/4 mile radius of the proposed action?

See Attachment A

SEE CEQR
TECHNICAL MANUAL
CHAPTER III B.,
SOCIO-ECONOMIC
CONDITIONS

SEE CEQR
TECHNICAL MANUAL
CHAPTER III C.,
COMMUNITY FACIL-
ITIES & SERVICES

**Zoning
Information**

Additional Information

Analyses

22. Attach any additional information as may be needed to describe the action. If your action involves changes in regulatory controls that affect one or more sites not associated with a specific development, it is generally appropriate to include here one or more reasonable development scenarios for such sites and, to the extent possible, to provide information about such scenario(s) similar to that requested in the Project Description questions 9 through 16.
23. Attach analyses for each of the impact categories listed below (or indicate where an impact category is not applicable):
- | | |
|--|--|
| a. LAND USE, ZONING, AND PUBLIC POLICY | See CEQR Technical Manual Chapter III.A. |
| b. SOCIOECONOMIC CONDITIONS | See CEQR Technical Manual Chapter III.B |
| c. COMMUNITY FACILITIES | See CEQR Technical Manual Chapter III.C. |
| d. OPEN SPACE | See CEQR Technical Manual Chapter III.D. |
| e. SHADOWS | See CEQR Technical Manual Chapter III.E. |
| f. HISTORIC RESOURCES | See CEQR Technical Manual Chapter III.F. |
| g. URBAN DESIGN/VISUAL RESOURCES | See CEQR Technical Manual Chapter III.G. |
| h. NEIGHBORHOOD CHARACTER | See CEQR Technical Manual Chapter III.H. |
| i. NATURAL RESOURCES | See CEQR Technical Manual Chapter III.I. |
| j. HAZARDOUS MATERIALS | See CEQR Technical Manual Chapter III.J. |
| k. WATERFRONT REVITALIZATION PROGRAM | See CEQR Technical Manual Chapter III.K. |
| l. INFRASTRUCTURE | See CEQR Technical Manual Chapter III.L. |
| m. SOLID WASTE AND SANITATION SERVICES | See CEQR Technical Manual Chapter III.M. |
| n. ENERGY | See CEQR Technical Manual Chapter III.N. |
| o. TRAFFIC AND PARKING | See CEQR Technical Manual Chapter III.O. |
| p. TRANSIT AND PEDESTRIANS | See CEQR Technical Manual Chapter III.P. |
| q. AIR QUALITY | See CEQR Technical Manual Chapter III.Q. |
| r. NOISE | See CEQR Technical Manual Chapter III.R. |
| s. CONSTRUCTION IMPACTS | See CEQR Technical Manual Chapter III.S. |
| t. PUBLIC HEALTH | See CEQR Technical Manual Chapter III.T. |

The CEQR Technical Manual sets forth methodologies developed by the City to be used in analyses prepared for the above-listed categories. Other methodologies developed or approved by the lead agency may also be utilized. If a different methodology is contemplated, it may be advisable to consult with the Mayor's Office of Environmental Coordination. You should also attach any other necessary analyses or information relevant to the determination whether the action may have a significant impact on the environment, including, where appropriate, information on combined or cumulative impacts, as might occur, for example, where actions are interdependent or occur within a discrete geographical area or time frame.

Applicant Certification

24. See page 6a

PREPARER NAME

PRINCIPAL

PREPARER TITLE

NAME OF PRINCIPAL REPRESENTATIVE

PREPARER SIGNATURE

TITLE OF PRINCIPAL REPRESENTATIVE

DATE

SIGNATURE OF PRINCIPAL REPRESENTATIVE

DATE

NOTE: Any person who knowingly makes a false statement or who knowingly falsifies any statement on this form or allows any such statement to be falsified shall be guilty of an offense punishable by fine or imprisonment or both, pursuant to Section 10-154 of the New York City Administrative Code, and may be liable under applicable laws.

PART III, ENVIRONMENTAL ASSESSMENT AND DETERMINATION

TO BE COMPLETED BY THE LEAD AGENCY

The lead agency should complete this Part after Parts I and II have been completed. In completing this Part, the lead agency should consult 6 NYCRR 617.7, which contains the State Department of Environmental Conservation's criteria for determining significance.

The lead agency should ensure the creation of a record sufficient to support the determination in this Part. The record may be based upon analyses submitted by the applicant (if any) with Part II of the EAS. The CEQR Technical Manual sets forth methodologies developed by the City to be used in analyses prepared for the listed categories. Alternative or additional methodologies may be utilized by the lead agency.

1. For each of the impact categories listed below, consider whether the action may have a significant effect on the environment with respect to the impact category. If it may, answer yes.
 LAND USE, ZONING, AND PUBLIC POLICY YES
 SOCIOECONOMIC CONDITIONS YES
 COMMUNITY FACILITIES YES
 OPEN SPACE YES
 SHADOWS YES
 HISTORIC RESOURCES YES
 URBAN DESIGN/VISUAL RESOURCES YES
 NEIGHBORHOOD CHARACTER YES
 NATURAL RESOURCES YES
 HAZARDOUS MATERIALS YES
 WATERFRONT REVITALIZATION PROGRAM YES
 INFRASTRUCTURE YES
 SOLID WASTE AND SANITATION SERVICES YES
 ENERGY YES
 TRAFFIC AND PARKING YES
 TRANSIT AND PEDESTRIANS YES
 AIR QUALITY YES
 NOISE YES
 CONSTRUCTION IMPACTS YES
 PUBLIC HEALTH YES
2. Are there any aspects of the action relevant to the determination whether the action may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? If there are such impacts, explain them and state where, as a result of them, the action may have a significant impact on the environment.
3. If the lead agency has determined in its answers to questions 1 and 2 of this Part that the action will have no significant impact on the environment, a negative declaration is appropriate. The lead agency may, in its discretion, further elaborate here upon the reasons for issuance of a negative declaration.
4. If the lead agency has determined in its answers to questions 1 and 2 of this part that the action may have a significant impact on the environment, a conditional negative declaration (CND) may be appropriate if there is a private applicant for the action and the action is not Type I. A CND is only appropriate when conditions imposed by the lead agency will modify the proposed action so that no significant adverse environmental impacts will result. If a CND is appropriate, the lead agency should describe here the conditions to the action that will be undertaken and how they will mitigate potential significant impacts.
5. If the lead agency has determined that the action may have a significant impact on the environment, and if a conditional negative declaration is not appropriate, then the lead agency should issue a positive declaration. Where appropriate, the lead agency may, in its discretion, further elaborate here upon the reasons for issuance of a positive declaration. In particular, if supporting materials do not make clear the basis for a positive declaration, the lead agency should describe briefly the impact(s) it has identified that may constitute a significant impact on the environment.

Carla Sisler

PREPARER NAME

Project Manager

PREPARER TITLE

PREPARER SIGNATURE

DATE

Robert Dobruskin

NAME OF LEAD AGENCY REPRESENTATIVE

Director, DCP Environmental
Assessment & Review Division

TITLE OF LEAD AGENCY REPRESENTATIVE

SIGNATURE OF LEAD AGENCY REPRESENTATIVE

DATE

**Lead Agency
Certification**

Attachment A

ENVIRONMENTAL ASSESSMENT STATEMENT

I. Description of the Proposed Action

The New York City Department of City Planning (City Planning) and the New York City Council Land Use Committee are proposing to modify and replace existing text, add new text, and reorganize and renumber various sections of the *Zoning Resolution (ZR)* regarding community facilities (see Attachments B and C). The proposal would affect zoning regulations on a citywide basis, and would result in changes to the use, bulk and parking regulations included in the *Zoning Resolution* with regard to community facilities. The proposal involves changes affecting: (a) use regulations for houses of worship, ambulatory health care facilities, and college dormitories; (b) special provisions for adult establishments in manufacturing districts; (c) rear yard obstructions for community facilities; (d) community facility floor area ratios in certain local retail and service commercial overlay districts; (e) off-street parking requirements for houses of worship and ambulatory health care facilities; and (f) parking lot screening for community facilities.

BACKGROUND

The *1961 Zoning Resolution* permitted community facility uses in residential districts increased bulk beyond what was available for residential development. The zoning that was adopted provided significant benefits for community facilities -- community facility buildings are allowed to have more floor area, can encroach on rear yards, can have a larger building envelope, and are required to provide less parking, as compared to other buildings.

While the city's community facility zoning regulations have remained largely unchanged, community facilities have proliferated and are often different today than they were in 1961. For example, some facilities, such as ambulatory health care facilities, may serve a larger area than a neighborhood and, therefore, are larger and generate more traffic than neighborhood service providers. These facilities affect the quality of life in many of the city's residential areas and the City has received complaints regarding the location, size, traffic, and parking associated with them. At the same time, these facilities continue to provide essential services and are a vital part of the city's economy, providing both jobs and revenues in, as well as services to, neighborhoods throughout the city.

As a response to various community concerns regarding the zoning regulations for community facilities, a study of these issues was released by City Planning in 1993. The study was further refined following the completion of a community facilities parking study. In an effort to respond to some of the recommendations from the study, an application for a zoning text amendment to

Community Facilities Text Amendment Environmental Assessment Statement

modify the community facilities regulations of the *Zoning Resolution* was submitted in 1992 (CEQR No. 92-621Y). A positive declaration was issued for the initial proposal; however, a number of issues emerged that required further study. Resource limitations precluded City Planning from pursuing the application, and it was subsequently withdrawn.

More recently, in consultation with the City Council's Land Use Committee, City Planning identified some of the most common community concerns relating to ambulatory health care facilities in one and two-family residential areas, houses of worship that do not provide sufficient parking, and community facilities that obstruct rear yards. City Planning and the Committee determined that, through a carefully crafted zoning text amendment, these issues could be addressed while continuing to maintain community access to essential facilities and services.

The proposed zoning text amendment represents an initial effort to address community facility zoning issues. City Planning will continue to study the broader range of issues raised in the 1993 study.

PURPOSE AND NEED

This application for zoning text changes is intended to address certain land use impacts stemming from a number of types of community facilities that are permitted to locate in residential areas, without compromising the ability of such facilities to function effectively or locate broadly throughout the City. These land use impacts relate to community facility size, density, and parking. The proposed changes have been drawn based upon comprehensive study undertaken by City Planning in all five boroughs of the City. The complete list of affected *Zoning Resolution* sections is shown in Attachment B. The proposed zoning text is presented in its entirety in Attachment C. Graphics showing the areas of the City that would be affected by the proposed action are presented in Attachment D.

DIFFERENCES BETWEEN EXISTING AND PROPOSED ZONING REGULATIONS

For analysis purposes, the proposed text amendment has been divided into six categories: (a) use regulations for houses of worship and ambulatory health care facilities; (b) special provisions for adult establishments in manufacturing districts; (c) rear yard obstructions for community facilities; (d) community facility floor area ratios in local retail and service commercial overlay districts; (e) off-street parking requirements for houses of worship and ambulatory health care facilities; and (f) parking lot screening for community facilities.

A. Use Regulations For Houses of Worship, Ambulatory Health Care Facilities, and College

Community Facilities Text Amendment
Environmental Assessment Statement

Dormitories

Under current zoning, “churches” are listed as a community facility use in Use Group 4 and throughout various sections of the *Zoning Resolution*. Other types of houses of worship (such as temples, mosques, etc.) are not listed in the *Zoning Resolution* but are treated as churches for zoning purposes. Under current zoning, churches are allowed only by special permit of the City Planning Commission in M1 manufacturing districts.

Under the proposal, the definition of “college or school dormitories” and “fraternity or sorority houses” would be modified in order to clarify that these community facility uses are for student accommodations.

“Medical offices or group medical centers” are currently listed as community facilities in Use Group 4 and in various sections throughout the *Zoning Resolution*. Such offices and centers are limited to use by physicians, dentists, osteopaths, and podiatrists (per Department of Buildings interpretation).

Other ambulatory health care facilities currently listed as community facilities in the *Zoning Resolution* include “government-operated health centers or independent out-of-hospital health facilities incorporated pursuant to Article 7 of the New York State social services law”. The zoning also permits “philanthropic or not-for-profit institutions without sleeping accommodations” as a community facility use.

Under current zoning, community facility medical offices may locate in R1 and R2 districts as-of-right up to 1,500 square feet of floor area or cellar space, or by special permit of the Board of Standards and Appeals up to 6,000 square feet of floor area or cellar space. In R3 through R10 districts, such medical offices are permitted as-of-right without size limitations.

A current Board of Standards and Appeals special permit allows medical offices of up to 6,000 square feet in R1 and R2 districts. Section 73-125 (Medical offices or group medical centers) includes three findings relating to neighborhood character, the provision of a minimum number of off-street parking spaces, and the use of plant material for parking lot screening.

In all residence districts, community facility medical offices are currently limited by use regulations to locations in buildings below the level of the first story ceiling, except that such offices are allowed on the second story in multiple dwellings where there is separate access from the outside or where the use existed on January 1, 1948.

Under current zoning, government-operated health centers or independent out-of-hospital health centers, and philanthropic or not-for-profit institutions without sleeping accommodations are

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Environmental Assessment Statement

allowed as-of-right in all residence districts and without the limitations on floor area or location within buildings that apply to community facility medical offices.

Under the proposal, the term “houses of worship” would replace the term “churches” in the zoning text. In addition, houses of worship would be allowed as-of-right in M1 districts.

Under the proposal, the terms “medical offices” and “group medical centers” would be eliminated from the zoning text, as would “government operated health centers” and “independent out-of-hospital health facilities incorporated pursuant to Article 7 of the New York State social services law”. The term “ambulatory health care facilities” – not presently listed in the *Zoning Resolution* -- would replace “medical offices”, “group medical centers”, and “government operated health centers or independent out-of-hospital health facilities incorporated pursuant to Article 7 of the New York State social services law”, in Use Group 4 and throughout various sections of the *Zoning Resolution*.

Ambulatory health care facilities would include public, private, for-profit and not-for-profit medical, health, and mental health care facilities, in which patients are diagnosed and treated for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities would include the provision of services by all the categories of health care professionals licensed by the New York State Department of Education, such as psychologists, chiropractors, physical therapists, nurse practitioners, and social workers. However, such facilities would specifically exclude the practice of veterinary medicine, physical culture or health establishments, and ophthalmic dispensing. These would continue to be regulated as commercial uses as at present.

Philanthropic or non-profit institutions without sleeping accommodations, a current category of community facility, would remain as a community facility, but the definition would be amended under the proposal to exclude from its ambit uses which qualify as ambulatory health care facilities.

Under the proposal, ambulatory health care facilities would be prohibited in R1 and R2 single-family districts. In other single- or two-family districts (R3A, R3X, R3-1, R4A, R4B, R4-1), ambulatory health care facilities would be limited by use regulations to 1,500 square feet of floor area as-of-right, and 10,000 square feet of floor area by special permit of the Board of Standards and Appeals. In all other residence districts, ambulatory health care facilities would continue to be allowed as-of-right and without use limitations on floor area.

Under the proposal, the current Board of Standards and Appeals special permit for medical offices would be amended to apply to ambulatory health care facilities of up to 10,000 square feet of floor area located in R3A, R3X, R3-1, R4A, R4B, and R4-1 districts. The permit would have

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a single finding concerning neighborhood character.

Ambulatory health care facilities, when located in residence districts where such facilities are allowed, would be allowed under the proposal to locate anywhere in a building that does not contain residences. In buildings containing residences, such facilities would be limited to locations below the level of the first story ceiling, and allowed on the second story only when access is from the outside or directly from a portion of the facility located on the ground floor.

B. Special Provisions for Adult Establishments in M-Districts

Under current zoning regulations, in manufacturing districts at locations that permit adult establishments, such establishments may not locate within 500 feet of a house of worship. The location of a new house of worship within 500 feet of an existing legal adult establishment generally does not render the adult establishment non-conforming and thus subject to termination regulations.

The proposal would prohibit adult establishments from locating within 100 feet of a house of worship established on or after the date that the proposed text change becomes effective. After the effective date of the text change, the location of a new house of worship within 100 feet of a legally established adult establishment would not render the adult establishment non-conforming and subject to termination.

C. Rear Yard Obstructions for Community Facilities

Under current zoning regulations, in R3 through R10 districts, community facilities generally may obstruct a required 30-foot-deep rear yard or rear yard equivalent one story up to a maximum 23 feet in height, and accessory parking structures may obstruct such yards up to 14 feet in height. In R1 and R2 districts, community facilities are not permitted to obstruct a required rear yard or rear yard equivalent in this manner.

The proposal would extend the current prohibitions on rear yard obstructions in R1 and R2 districts to all other single and two-family districts (R3A, R3X, R3-1, R4A, R4B & R4-1). In all other residence districts, community facility uses would be prohibited from building within a required rear yard or rear yard equivalent at locations beyond 100 feet from any wide street. However, schools (which include day care centers), houses of worship, colleges and universities, and hospitals and related facilities would continue to be governed by current rules allowing rear yard construction in districts other than single- or two-family residence districts.

D. Community Facility Floor Area Ratios in Local Retail/Service Commercial Overlay Districts

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Under current zoning rules, C1-1 through C1-5 and C2-1 through C2-5 districts mapped as overlays within R3 districts allow a maximum floor area ratio of 1.0 for commercial buildings, community facility buildings, and for buildings used for both commercial and community facility uses. A floor area ratio bonus resulting in a permitted floor area ratio of 1.60 may be obtained as-of-right for community facility buildings or for buildings used partly for community facilities that provide front yards of a specified depth.

The proposal would increase the maximum permitted floor area ratio to 2.0 from 1.0 for community facility buildings or buildings used for both commercial and community facility uses in R3-2 districts with C1 and C2 districts mapped as overlays. The proposal would leave intact the current floor area ratio regulations for C1 and C2 districts that overlay R3-1, R3A and R3X single- and two-family districts.

The proposal would eliminate the current as-of-right front yard bonus for community facility buildings or for buildings used partly for community facilities in C1 and C2 districts mapped within R3-2 districts. The maximum permitted floor area ratio would be 2.0 under the proposal, which is greater than the maximum 1.60 floor area ratio provided by the current zoning bonus.

E. Off-Street Parking Requirements for Houses of Worship and Health Care Facilities

Under current zoning, the parking requirement for churches is based on the number of fixed seats provided within the community facility. In R1 through R3 districts, parking is required at a rate of 1 parking space per 10 fixed seats; in R4 and R5 districts at a rate of 1 space per 15 fixed seats; in R6, R7-1 and R7B districts at a rate of 1 space per 20 fixed seats.

In commercial districts, off-street parking for churches is required under current zoning at the rate of 1 parking space per 10 fixed seats in C1-1, C2-1, C3, and C4-1 districts; 1 space per 15 fixed seats in C1-2, C2-2, C4-2, and C8-1 districts; and, 1 space per 20 fixed seats in C1-3, C2-3, C4-2A, C4-3, and C8-2 districts.

In M1-1, M1-2 and M1-3 manufacturing districts, parking for churches is required at the rate of 1 parking space per 15 fixed seats.

Current zoning contains provisions for parking waivers for a small number of required spaces. (The waiver provisions would be retained under the proposal.)

Current zoning rules in ZR Section 25-53 allow as-of-right churches located in R5 through R10 districts to provide permitted or required accessory parking spaces off-site, but within the same district or an adjoining district other than an R1 through R4 district, no more than 200 feet from the nearest boundary of the zoning lot containing the church if the parking is located in a

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residence district, and no more than 600 away from the church if the parking is located in an adjoining commercial or manufacturing district. In all commercial districts, current zoning regulations in *ZR* Section 36-43 generally allow permitted or required accessory parking spaces to be located off-site in the same district or in other adjoining commercial or manufacturing districts, but no more than 600 feet from the use to which the spaces are accessory. In manufacturing districts, current zoning rules in *ZR* Section 44-32 generally allow permitted or required accessory parking spaces to be located off-site in the same district or in adjoining C8 or other manufacturing districts. These rules would remain unchanged.

A current special permit of the Board of Standards and Appeals (*ZR* Section 73-43) permits a proportionate reduction in the number of required parking spaces for churches or places of assembly located in commercial or manufacturing districts when the church is located on a zoning lot with other uses. The findings relate to the times of operation of the different uses on the zoning lot and the lack of any conflict in the use of the parking spaces.

A current special permit of the Board of Standards and Appeals (*ZR* Section 73-452) permits accessory off-street parking for most community facilities located in R1 through R4 districts to be provided off-site and in any district, or, for most community facilities located in R5 through R10 districts, for accessory parking to be provided off-site and located in R1 through R4 districts or in any other residence district. Any such parking spaces may be located no further than 600 feet from the nearest boundary of the zoning lot containing the community facility.

A current special permit of the Board of Standards and Appeals (*ZR* Section 73-453) permits for most community facilities located in residence, commercial or manufacturing districts the extension of the maximum permitted radius for off-site parking spaces located in commercial or manufacturing districts from 600 feet to 1,200 feet. Findings concern required accessory parking and include the physical condition of the zoning lot and difficulty in finding zoning lots suitable to accommodate the required spaces.

Under current zoning, community facility medical offices or group medical centers located in residence districts must provide accessory off-street parking at the rate of one parking space per 400 square feet of floor area in R1 through R3 districts; 1 space per 500 square feet in R4 and R5 districts; and, 1 space per 800 square feet in R6, R7-1 and R7B districts. Health centers are required to provide parking at the rate of one space per ten persons rated capacity in R1 through R5 districts, and one space per 20 persons in R6, R7-1 and R7B districts.

In commercial districts, parking for health centers is required at the rate of one space per 10 persons rated capacity in C1-1, C1-2, C2-1, C2-2, C3, C4-1, C4-2 and C8-1 districts; and, one space per 20 persons rated capacity in C1-3, C2-3, C4-2A, C4-3, C7 and C8-2 districts.

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In manufacturing districts, parking for health centers is required at the rate of one parking space per ten persons rated capacity in M1-1, M1-2 and M1-3 districts.

Under the proposal, parking requirements for houses of worship would be based on “persons rated capacity” of the largest room of assembly in a house of worship. Parking would be required in R1 through R3 districts at 1 space per 10 persons rated capacity; in R4 and R5 districts at 1 space per 15 persons rated capacity; in C1 and C2 districts mapped within R1 through R5 districts at the same ratio required in the underlying residence district; and, in commercial and manufacturing districts at the rate of 1:10 persons rated capacity in C3 and C4-1 districts, and 1 space per 15 persons rated capacity in C4-2, C8-1, M1-1, M1-2 and M1-3 districts.

In R1 through R4 districts, required off-street parking for houses of worship would be allowed as-of-right on a zoning lot other than the same zoning lot as the house of worship, no further than 600 feet from the nearest boundary of the zoning lot containing the house of worship.

A new set of residence, commercial and manufacturing districts regulations would allow shared parking for houses of worship. The regulations would apply in R1 through R5 districts, C1 or C2 districts mapped within R1 through R5 districts, C3, C4-1, C4-2, C8-1, M1-1, M1-2 and M1-3 districts where parking would be required for houses of worship. The rules would allow required accessory parking spaces to be provided for houses of worship in parking facilities shared with other permitted non-residential uses. No more than 25 percent of the spaces in the shared facility could be used to satisfy the parking requirement of the house of worship and the permitted non-residential use, except that the percentage could be increased by the Commissioner of Buildings if it could be demonstrated that the additional parking spaces would not be used at the same time by the uses sharing the facility. All shared spaces would be limited to maximum distance of 600 feet from the nearest boundary of the zoning lot containing the house of worship, and would need to conform to the applicable regulations of the district in which they are located. The shared spaces would be exempted from the provisions of ZR Section 25-42 (Use of Spaces Accessory to Permitted Non-Residential Uses) which prohibit in all residence districts the renting of parking spaces that are accessory to permitted non-residential uses.

A new special permit of the Board of Standards and Appeals applicable in all districts would be established, ZR Section 73-431, that would permit the Board to reduce the number of required accessory off-street parking spaces for houses of worship when it finds that the house of worship will operate or be used in a way that reduces demand for on-site parking. The Board would have to find that the reduction in parking spaces is commensurate with the reduced parking demand.

A new special permit, ZR Section 73-454, would allow the Board of Standards and Appeals to modify the maximum distance within which off-site parking spaces and shared parking spaces

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may be provided in residence, commercial and manufacturing districts, to 1,000 feet from the nearest boundary of the zoning lot containing the house of worship. Under the provisions of the special permit, the Board would be required to find that the off-site or shared spaces conform to all applicable regulations of the district in which they are located and that the location of the off-site or shared spaces will not result in undue traffic congestion in the area. Additionally, the Board would be permitted to impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Under the proposal, off-street parking requirements for health centers located in residence, commercial and manufacturing districts, based on persons rated capacity, would be eliminated. However, a new requirement for ambulatory health care facilities based on floor area and cellar space would be established in residence, commercial and manufacturing districts.

Ambulatory health care facilities located in residence districts would have the same parking requirement that medical offices or group medical centers have presently. However, under the proposal, cellar space for ambulatory health care facilities would also generate a parking requirement. The proposal recognizes that ambulatory health care facilities are sometimes located in cellar spaces, and that there is a need for off-street parking generated by the use notwithstanding its location within a building.

Parking would be required at 1 space per 400 square feet of floor area and cellar space in R1 through R3 districts; 1:500 in R4 and R5 districts; and, 1:800 in R6, R7-1 and R7B districts.

When located in commercial or manufacturing districts, ambulatory health care facilities would have the same parking requirements as those that apply presently to professional offices located in such districts. Parking would be required at: 1 space per 150 square feet in C1-1, C2-1, C3, and C4-1 districts; 1:300 in C1-2, C2-2, C4-2, and C8-1 districts; 1:400 in C1-3, C2-3, C4-2A, C4-3, C7, and C8-2 districts; 1:1,000 in C1-4, C2-4, C4-4, and C8-3 districts. In M1-1, M1-2 and M1-3 manufacturing districts, parking for ambulatory health care facilities would be required at 1 space per 300 square feet of floor area. Cellar space would now generate the underlying parking requirement.

In addition, when ambulatory health care facilities are located above the level of the first story ceiling in C1-1, C1-2, C2-1, or C2-2 districts mapped within R3-2 districts, the parking requirement at such locations would be the same as that for ambulatory health care facilities located in R3-2 districts: 1 space per 400 square feet of floor area.

Existing provisions in the *Zoning Resolution* concerning waivers for a small number of required parking spaces would be retained.

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Under the proposal, an existing special permit of the Board of Standards and Appeals, ZR Section 73-44, allowing reduced parking requirements for professional offices located in various commercial and manufacturing districts, would be amended to include ambulatory health care facilities. The permit allows the Board, upon application, to reduce the applicable required parking as follows: from 1 space per 150 square feet of floor area to 1 space per 400 square feet of floor area in C1-1, C2-1, C3 and C4-1 districts; from 1:300 to 1:600 in C1-2, C2-2, C4-2, C8-1, M1-1, M1-2, and M1-3 districts; and, from 1:400 to 1:800 in C1-3, C2-3, C4-3, C7 and C8-2 districts. Cellar space would be included in calculating the number of spaces required. Under the provisions of the special permit, the Board is required to find that occupancy by uses generating reduced parking is contemplated in good faith on the basis of evidence submitted by the applicant.

F. Parking Lot Screening for Community Facilities

Under current zoning regulations, in R1 through R10 districts, parking lots with 10 or more spaces generally must be screened from any surrounding zoning lots. Screening may consist of a four feet wide densely planted strip, or a wall, barrier or fence. Plants must be at least four feet in height at the time of planting and expected to grow to six feet in height within three years, forming a year-round dense screen.

Under the proposal, community facilities located in R1 through R5 districts with parking lots with 10 or more spaces at natural grade level would be required to screen parking lots with the planted strip option.

II. Projected Development/likely Effects of the Proposed Action

The analysis below describes the likely effects of the proposed action on the amount, type, and location of future development. The analysis considers the same six categories of changes identified in the previous section.

A. Use Regulations for Houses of Worship, Ambulatory Health Care Facilities, and College Dormitories

The proposal to replace the term “churches” with the term “houses of worship” in the *Zoning Resolution* would better reflect the city’s diverse range of religious facilities, but would not affect new development. The proposed elimination of the current special permit text allowing houses of

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worship to locate in M1 districts would give houses of worship more location opportunities. As a result, it is expected that more houses of worship would locate in M1 districts. Based on past trends, the number of new houses of worship that would locate in M1 districts is not expected to be substantial. It is likely, however, to result in an increase in the amount of houses of worship compared to the number of houses of worship that located in M1 districts in the past ten years. A review of past applications for special permits since 1991 has shown that eleven applications were approved by the City Planning Commission during this period, equal to approximately one per year. The facilities were located in four of the five boroughs. Removing the need to seek discretionary approvals may make it somewhat easier for houses of worship to locate in M-districts, but it is unlikely to result in a much larger number of them seeking to locate there. It is known that the number of facilities that considered locating in manufacturing districts since 1990 exceeded the number that obtained special permits, since four applications were terminated. A number of new facilities equal to the number of applications received in the 1990's would result in 1.3 new houses of worship per year in M1 districts.

In addition, a small number of facilities that, without the proposed action, would locate in residential or commercial districts, would be expected instead to locate in M1 districts. Such facilities would be either local in scope, and would take advantage of a convenient location in a nearby manufacturing zone, or be among those that are regional in scope, and do not need to locate in a particular residential area where their congregants live. While it is difficult to quantify this additional number, a 25 percent increase over the average annual number of special permit applications in the 1990's, to 1.6 per year or 16 in a decade, is conservatively projected.

Ambulatory health care facilities locating in districts where they are as-of-right, including R3-2, R4, and R5 and higher-density residence districts, and commercial and manufacturing districts, where offices are permitted, would be widely scattered and would not be concentrated in any location. The proposed text change is not likely to affect the geographic distribution of houses of worship within individual communities or on either a borough-wide or a city-wide level. The same general development patterns that have characterized the development of houses of worship during the recent past are expected to continue in the future with the proposed action.

The modification of the definition of college or student dormitories and fraternity or sorority houses would clarify that these community facilities are intended under the *Zoning Resolution* for occupancy by students, rather than faculty or other university personnel. This would not result in a change in the number or location of these facilities.

The proposal to replace the terms “medical offices” and “independent out-of-hospital health centers” to “ambulatory health care facilities” in the *Zoning Resolution* would clarify the range of ambulatory health care facilities that can locate in residence districts. Because such a large share of professionals in the health care categories licensed by the New York State Department of

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Education are already located in residence districts, this change is not expected to have a significant effect on their ability to locate in such districts. It is not expected to result in substantial change to the number of healthcare providers and professionals that would locate in residence districts.

The proposed zoning would not allow ambulatory health care facilities in R1 and R2 single-family residence districts. This would effectively prohibit health care providers from locating in single-family home districts, where land use conflicts between residences and these facilities have increasingly emerged. The size of most of the medical offices, group medical centers, and independent out-of-hospital health centers that have located in R1 and R2 districts has historically been small, and it is expected that with the proposed zoning, new healthcare providers might locate in other adjacent districts. As a result of prohibiting ambulatory health care facilities from locating in R1 and R2 districts, it is likely that more health care facilities would locate in R3A, R3X, R3-1, R4A, R4B, and R4-1 districts than have in the past. However, these facilities would be widely dispersed in these districts throughout the City.

Size limitations would be imposed establishing a maximum amount of floor of ambulatory health care facilities in R3A, R3X, R3-1, R4A, R4B and R4-1 single- and two-family residence districts where no such size limitations exist under current use regulations for medical offices, government operated health centers or independent out-of-hospital health facilities. Most of the facilities that have established in these districts have been relatively modest in size, but are sufficiently large to trigger the requirement for a Board of Standards and Appeals special permit. This proposal is not expected to result in a significant change in the number or size of facilities that would locate in these districts. However, it is expected that some developments, to avoid the expense of a special permit, would locate in other districts where they would be as-of-right, including R3-2, R4, and R5 and higher-density residence districts, and commercial and manufacturing districts, where offices are permitted.

Ambulatory health care facilities and houses of worship would be widely scattered and would not be concentrated in any location. The proposed text change is not likely to affect the geographic distribution of houses of worship within individual communities or on either a borough-wide or a city-wide level. The same general development patterns that have characterized the development of ambulatory health care facilities during the recent past are expected to continue in the future with the proposed action.

The proposed change to allow ambulatory health care facilities to locate on the second story of any residential building in all residence districts except R1 and R2 would clarify the treatment of such facilities on the second floor. Such facilities would be limited to the first floor, or to the second floor with an entrance separate from residences. This would provide some additional assurance to residents of apartment buildings that health care practices would not utilize

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overlapping use classifications to locate on upper residential floors.

B. Special Provisions for Adult Establishments in M-Districts

Under the proposed zoning, the buffer between a legally located adult establishment and a house of worship that locates as-of-right in an M1 district after the effective date of the proposed amendment would be reduced from 500 to 100 feet. The effect of this provision would be to permit new adult establishments, that would otherwise be permitted in M1 districts, to be closer to new houses of worship than would be the case under the existing zoning. While the “buffer zones” around new houses of worship would be smaller, there would be more “buffer zones” in M1 districts with the action, due to the anticipated increase in the numbers of houses of worship locating as-of-right in these areas. The effect of having more, smaller “buffer zones” under the proposed action is not expected to be significant.

C. Rear Yard Obstructions for Community Facilities

Under the proposed zoning, a community facility would not be permitted to obstruct a required rear yard or rear yard equivalent in R3A, R3X, R3-1, R4A, R4B & R4-1 single- and two-family districts. Large numbers of community facilities in each of the affected categories are operating without the need to utilize the permitted rear yard obstruction, due in large measure to the fact that lot coverage and height and setback provisions for community facilities in R3 and R4 districts are liberal enough to accommodate the full 1 FAR in R3 districts, and 2 FAR in R4 districts, without encroaching on the rear yard. The effect of the proposed action on the ability of community facilities to provide needed services is therefore not expected to be significant. However, the shape of some new buildings may be altered, and the location of new buildings in these districts may change. Some facilities would face elevator requirements for handicapped access if they had to go to another floor. Others would find it more difficult to locate common facilities such as dining halls, gyms or auditoriums. Some facilities would adjust by finding locations at the short end of a block, on a corner lot or on a full-block site without a rear yard requirement. Most affected would be institutions that cannot easily relocate from their existing site, and had the expectation of being able to enlarge in the rear yard.

In other R3 through R10 districts, a community facility would not be permitted to obstruct a required rear yard or rear yard equivalent beyond 100 feet of a wide street for community facilities other than schools (which include day care centers), houses of worship, colleges and universities, and hospitals and related facilities. New community facilities in the restricted categories would be required to locate all floor area on other parts of the zoning lot, not encumbered by required yards. Large numbers of community facilities in each of the affected categories are operating without the need to utilize the permitted rear yard obstruction, due in large measure to the fact that the lot coverage and height and setback provisions for community

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facilities in districts permitting multiple dwellings are liberal enough to accommodate the full FAR, without encroaching on the rear yard. The effect of the proposed action on the ability of community facilities to provide needed services is therefore not expected to be significant. However, the shape of some new buildings may be altered, and the location of new buildings in these districts may change. Some facilities would face elevator requirements for handicapped access if they had to go to another floor. Others would find it more difficult to locate common facilities such as dining halls, gyms or auditoriums. Some facilities would adjust by finding locations on wide streets, at the short end of a block, on a corner lot or on a full-block site without a rear yard requirement. Most affected would be institutions that cannot easily relocate from their existing site, and had the expectation of being able to enlarge in the rear yard, and new institutions in areas, particularly in Manhattan, where land is expensive and sites are hard to find. However, because land and construction costs in Manhattan are already at a premium, facilities that intend to operate in such a high-cost environment may find that the incremental cost of operating on a second level is relatively small.

D. Community Facility Floor Area Ratios in Local Retail/Service Commercial Overlay Districts

Under the proposed zoning, the maximum permitted floor area ratio (FAR) would double for community facilities located in C1 or C2 districts mapped within R3-2 districts. Also, there would be no floor area ratio bonus for community facilities providing front yards in C1 or C2 districts mapped within R3-2 districts. The bonus provision was only modestly used in the past, and its removal is not expected to have a substantial effect on the amount, type, or location of future community facilities development. By allowing for an increased FAR in C1 or C2 districts mapped within R3-2 districts, it is expected that the size of community facility buildings for ambulatory health care facilities will be larger on average, and that more such new facilities will locate in new or enlarged buildings in R3-2 commercial overlay districts and not in low-density residence districts nearby. This will reduce the impacts of new ambulatory health care facilities on residence districts. However, the average size of typical new community facility buildings is expected to be modest, reflecting the small size of available sites and high parking requirements. These facilities would be widely scattered and would not be concentrated in any location. The proposed text change is not likely to affect the geographic distribution of new ambulatory health care facilities within individual communities or on either a borough-wide or a city-wide level.

E. Off-Street Parking Requirements for Houses of Worship and Ambulatory Health Care Facilities

As explained in section I above, the proposed action includes numerous changes to off-street parking requirements for houses of worship and ambulatory health care facilities. Overall, these changes are intended to produce a better relationship between the demand for off-street parking

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generated by these facilities and the amount of off-street parking provided, but would not have a substantial effect on the amount, location or type of future development.

Houses of Worship

The principal difference between the current zoning and the proposal with respect to parking for houses of worship is that under the proposal, parking would be based on persons rated capacity of the largest room of assembly in a house of worship, as opposed to the current rule where parking is based on the number of fixed seats provided in such facilities. This change will mitigate the impact of on-street parking from houses of worship. Additionally, houses of worship will be able to provide fixed seating without affecting their parking requirement. Under the proposed action, houses of worship in lower density districts (R1-R5) would thus need to consider the provision of off street parking in site planning for a new facility.

As a result of the proposed change from a requirement based on fixed seats, to one based on the rated capacity of the largest room used for assembly purposes, it is expected that more houses of worship in R1-R5 districts, and in the commercial and manufacturing districts in which accessory off-street parking will continue to be required, will provide such parking, and the number of spaces provided will also increase.

The proposed action provides houses of worship with a large range of options to provide required parking, without any change in location. Houses of worship that find it difficult to provide required parking at their proposed site would have the following options:

1. Under the proposal, the current rules for locating required accessory parking for houses of worship off-site would be relaxed. Under current zoning, off-site accessory parking for churches (and most community facilities) located in R1 through R4 districts is permitted only by special permit of the Board of Standards and Appeals. Such off-site parking is also permitted by the Board in any district but not more than 600 feet away from the church. Under the proposal, a new provision would allow as-of-right required parking for houses of worship to be located off-site within the same or an adjoining zoning district not more than 600 feet from the nearest boundary of the zoning lot containing the house of worship. The new rule would make it easier for houses of worship located in districts with parking requirements to find suitable locations for off-street parking spaces.
2. A new special permit would be added to the Resolution allowing the Board of Standards and Appeals to permit off-site and shared parking for houses of worship located in any district to be provided in any residence, commercial or manufacturing district up to 1,000 feet from the nearest boundary of the zoning lot containing the house of worship. Findings would include that the spaces conform to applicable district regulations and that the location of the spaces would not

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result in undue traffic congestion in the area. For houses of worship located in R1 through R4 districts, a current special permit limits accessory parking to locations within 600 feet of the church. In R5 through R10 districts, a current special permit limits accessory parking to any residence district and within 600 feet of the church. A current special permit applicable in all districts allows the Board of Standards and Appeals to extend the radius of off-site required parking spaces that are located in commercial or manufacturing districts from 600 to 1,200 feet, provided findings are made concerning the physical condition of the zoning lot and difficulty in finding zoning lots suitable to accommodate the required spaces. The new permit would provide additional flexibility to houses of worship to find locations for required or permitted parking.

3. The provisions for shared parking would be expanded and made as-of-right. Under current zoning, the Board of Standards and Appeals may permit a proportionate reduction in required parking spaces for churches when the church is located on a zoning lot with other uses and is located in a commercial or manufacturing district. The proposal would expand the regulations for shared parking to all zoning districts where parking would be required for houses of worship. Up to 25 percent of the spaces in the facilities shared with other permitted non-residential uses could be used to satisfy the parking requirement of the house of worship and the permitted non-residential use, except that the percentage could be increased by the Commissioner of Buildings if it could be demonstrated that the additional parking spaces would not be used at the same time by the uses sharing the facility. All shared spaces would be limited to maximum distance of 600 feet from the nearest boundary of the zoning lot containing the house of worship, and would need to conform to the applicable regulations of the district in which they are located. The shared spaces would be exempted from the provisions of Section 25-42 (Use of Spaces Accessory to Permitted Non-Residential Uses) which prohibit in all residence districts the renting of parking spaces that are accessory to permitted non-residential uses.

4. Under the proposal, a new special permit of the Board of Standards and Appeals would allow a reduction in the required number of accessory off-street parking spaces for houses of worship based on the operational or utilization characteristics of the house of worship. Some congregations may not need some or all of the proposed required parking spaces, and the proposed permit would eliminate unwarranted development costs in certain instances. In some cases, facilities will operate in a manner in which parking is not needed, because many or all congregants are expected to walk to the facility, use private buses or vans, or use public transit. In those cases, the BSA will be able to lower or waive parking requirements.

5. Under the proposal, the ability of houses of worship to seek a variance from the Board of Standards and Appeals with respect to parking requirements would remain unaffected. As specified in Section 72-21 of the Zoning Resolution, houses of worship, like all non-profit organizations, need not demonstrate financial hardship to satisfy the requirements for a variance.

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For these reasons, the proposed action is not expected to have a significant effect on the number, type or location of new houses of worship in residential or commercial districts in which parking will be required.

The ratios between spaces required and fixed seats or persons rated capacity would, under the proposal, stay generally the same as under current zoning. However, in C1 and C2 districts, off-street parking for churches is required under current zoning at the rate of 1 parking space per 10 fixed seats in C1-1 and C2-1 districts; 1 space per 15 fixed seats in C1-2 and C2-2 districts; and, 1 space per 20 fixed seats in C1-3 and C2-3 districts. The district designations reflect high, medium and low parking requirement categories. The proposal differs from current zoning in that required parking in such districts would be mandated for houses of worship at the rate applicable in the underlying residence district.

The effect of the proposed change from a requirement based on the commercial district to one based on the underlying residence district would be to better relate the required parking better to the expected auto-dependence of the community. In low-density residence districts, where auto ownership and utilization is higher, the parking requirement would also be higher. In the medium-density districts where automobile usage is less and public transit use is higher and more worshipers and visitors can walk to the facility, the parking requirement would be lower.

Another difference is that parking requirements would be eliminated for houses of worship located in R6, R7-1 and R7B districts; in C1 and C2 districts mapped within R6 through R10 districts; and, in commercial districts with a parking requirement presently at 1 space per 20 fixed seats (C1-3, C2-3, C4-2A, C4-3 and C8-2). These districts are most often mapped near transit.

Since the present requirements can be avoided by providing movable seats, the removal of the requirements based upon fixed seats is not likely to have much effect on whether new houses of worship provide off-street parking in the districts in which the parking requirement would now be eliminated. Most new houses of worship constructed in these districts do not provide parking and new houses of worship built in the future with the action are likely to have similar characteristics.

In R1-R5 districts, the proposed changes making it easier for houses of worship to provide parking off-site would result, in some locations, in houses of worship purchasing non-contiguous property to meet their parking needs. The new rules would make it easier for those houses of worship to accommodate required parking while locating on a site that meets their needs.

In R1-R5 districts, the proposed rules making it easier for houses of worship to share parking would result, in some locations, in houses of worship entering into formal arrangements with

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nearby parking facilities to share parking on service days. Frequently, parking is available nearby that is underutilized during peak service times. These facilities could now serve house of worship users. The new rules will make it easier for those houses of worship to accommodate required parking while locating on a site that meets their needs.

In R1-R5 districts, the new special permit of the Board of Standards and Appeals allowing a reduction in the required number of accessory off-street parking spaces for houses of worship based on the operational or utilization characteristics of the house of worship would recognize that some congregations may not need some or all of the proposed required parking spaces. The new rules would make it easier for houses of worship to accommodate required parking while locating on a site that meets their needs.

Ambulatory Health Care Facilities

The proposed zoning differs from current zoning in several ways. Parking requirements would be eliminated for medical offices or group medical centers and health centers and, in their place, parking requirements would be established for ambulatory health care facilities. Where parking would be required, it would be based on floor area and cellar space, which differs from current zoning under which required accessory parking for health centers is based on persons rated capacity.

Under the proposed action, parking requirements would be standardized based upon the size of a building, and the amount of parking that a facility would be likely to provide will become more predictable.

Another difference between current zoning and the proposal is that under the proposal, cellar space for ambulatory health care facilities would also generate a parking requirement.

Under the proposed action, cellar space that is used to provide ambulatory health care services would be required to provide off-street parking. This would better reflect the impact of the facility on parking demand.

Another difference between current zoning and the proposal is that off-street parking requirements would be imposed on all ambulatory health care facilities located in commercial and manufacturing districts. Presently, medical offices and group medical centers are treated as professional offices and generate a parking requirement in various commercial and manufacturing districts based on that use. Parking provided is expected to be similar under the proposed action and no effect on development is anticipated.

Another difference between current zoning and the proposal concerns parking requirements for

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medical facilities located on the second floor in C1 or C2 districts mapped within R3-2 districts. Under current rules, medical offices or group medical centers located in C1-1, C1-2, C2-1 or C2-2 districts are required to provide off-street parking at the rate of one parking space per 150 or 300 square feet of floor area. Under the proposal, when these commercial overlay districts are mapped in R3-2 districts, ambulatory health care facilities would be required to provide one parking space per 400 square feet of floor area, the same as that required in R3-2 districts. To the extent that, under the proposed action, the increased floor area ratio in commercial overlays in R3-2 districts accommodates ambulatory health care facilities that would otherwise have located in residence districts, the amount of off-street parking would be unchanged. However, there would be a reduced impact on residential communities.

Another difference between current and proposed zoning is that ambulatory health care facilities would be added to the existing special permit of the Board of Standards and Appeals that permits a reduction in parking for professional offices located in various commercial and manufacturing districts. Doing so would maintain consistency in regulating parking for ambulatory health care facilities and that of professional offices.

Under the proposed action, ambulatory health care facilities would be treated the same as other office uses and would be able to locate and provide parking in the same manner as office uses.

F. Parking Lot Screening for Community Facilities

The difference between the current zoning and the proposal is that current zoning allows an option for screening certain size community facility parking lots in R1 through R5 districts, while the proposed zoning mandates the current planting option for screening parking lots that are at natural grade. It is not expected that this part of the proposed text amendment would affect the amount, type, or location of future development.

III. Potential Impacts of the Proposed Action

A. Land Use, Zoning, and Public Policy

The proposed action would modify and replace existing text, add new text, and reorganize and renumber various sections of the *Zoning Resolution* regarding community facilities. The proposal would affect zoning regulations on a citywide basis, and would result in changes to the use, bulk, and parking regulations for community facilities. An assessment of land use, zoning, and public policy will therefore be provided in the Environmental Impact Statement (EIS), as described in the attached Scope of Work. Pending completion of the studies in the EIS, there is a potential for land use, zoning, and public policy impacts.

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B. Socioeconomic Conditions

Socioeconomic impacts may occur when an action would directly or indirectly change population, housing stock, or economic activities in an area. The proposed action would affect community facilities zoning regulations on a citywide basis, and would result in changes to the use, bulk, and parking regulations for community facilities. A socioeconomic conditions assessment will be provided in the EIS to disclose changes with respect to population, housing stock, or economic activities in the affected areas that would be created by the proposed action, and to identify if any of the changes would be significant, as described in the attached Scope of Work. Pending completion of the studies in the EIS, there is a potential for a socioeconomic conditions impact as a result of the proposed action.

C. Community Facilities and Services

Community facilities include public or publicly funded facilities, such as schools, hospitals, libraries, day care centers, and fire and police protection. The proposed action would amend zoning regulations on a city-wide basis, resulting in changes to the use, bulk, and parking regulations. An analysis will be provided in the EIS, as described in the attached Scope of Work, to consider the potential of these changes to affect the provision of services provided by the public or publicly funded facilities referenced above. Pending completion of the studies in the EIS, there is a potential for an impact related to such community facilities and services as a result of the proposed action.

D. Open Space

Open space is defined as publicly or privately owned land that is publicly accessible and has been designated for leisure, play, or sport, or land set aside for the protection and/or enhancement of the natural environment. The proposed action would modify and replace existing text, add new text, and reorganize and renumber various sections of the *Zoning Resolution* regarding community facilities. The proposal would affect zoning regulations on a city-wide basis, and would result in changes to the use, bulk, and parking regulations for community facilities. To determine if the proposed action would have an impact on open space resources in the affected areas, an open space analysis will be conducted, as per the attached Scope of Work. Pending completion of the studies in the EIS, there is a potential for an impact related to open space as a result of the proposed action.

E. Shadows

An adverse shadow impact is considered to occur when the shadow from a proposed project falls

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on a publicly accessible open space, historic landscape or other historic resource if the features that make the resource significant depend on sunlight, or important natural feature and adversely affects its use and/or important landscaping and vegetation or, in the case of historic resources, obscures the features that make the resource significant. The proposed action would result in changes to the use, bulk, and parking regulations for community facilities on a citywide basis in the *Zoning Resolution*. The potential for the proposed action to result in significant adverse shadow impacts will be assessed in the EIS, as described in the attached Scope of Work. Pending completion of the studies in the EIS, there is a potential for a shadows impact as a result of the proposed action.

F. Historic Resources

Historic resources include both architectural and archaeological resources. Archaeological resources usually need to be assessed for actions that would result in any in-ground disturbance. Generally, architectural resources should be assessed if the proposed action would result in new construction, demolition, or significant physical alteration to any building, structure, or object; a change in scale, visual prominence, or visual context of any building, structure, or object or landscape feature; additions to or significant removal, grading, or replanting of significant historic landscape features; screening or elimination of publicly accessible views; or the introduction of significant new shadows or lengthening of existing shadows over a historic resource if the features that make the structure significant depend on sunlight. The proposed text amendment would result in changes to the use, bulk, and parking regulations for community facilities on a citywide basis in the *Zoning Resolution*. As discussed above in the section on likely development, the proposed action would eliminate current special provisions governing the development of houses of worship in M1 districts, allowing such development to occur on an as-of-right basis. This change could result in additional development in M-districts. An analysis of historic resource impacts will be provided in the EIS, as described in the attached Scope of Work to consider the potential for impacts that could result if such development were to occur on sites where archaeological remains exist. Pending completion of the studies in the EIS, there is a potential for an impact related to historic resources as a result of the proposed action.

G. Urban Design/Visual Resources

An area's urban design components and visual resources together comprise the "look" of the neighborhood: the physical appearance, including the sizes and shapes of buildings, their arrangement on blocks, the street pattern, and noteworthy views that give an area a distinctive character. The potential for a project to affect visual character, the urban design and/or the visual resources of an area is considered in an urban design/visual resources analysis. The proposed action would result in changes to the use, bulk, and parking regulations for community facilities on a citywide basis in the *Zoning Resolution*. The potential for significant adverse impacts to

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urban design and visual resources will be analyzed in the EIS, as outlined in the attached Scope of Work. Pending completion of the studies in the EIS, there is a potential for an urban design/visual resources impact as a result of the proposed action.

H. Neighborhood Character

The character of a neighborhood is established by numerous factors, including land use patterns, the scale of its development, the design of buildings, the presence of notable landmarks, and a variety of other features. An EIS analysis will be undertaken, as described in the attached Scope of Work, to consider the potential for the proposed text amendment to have impacts upon the neighborhood character of the affected areas. Pending completion of the studies in the EIS, there is a potential for neighborhood character impacts as a result of the proposed action.

I. Natural Resources

A natural resource is defined as plant and animal species and any area capable of providing habitat for plant and animal species or capable of functioning to support ecological systems and maintain the City's environmental balance. An adverse impact on a natural resource might occur if there is the presence of a natural resource on or near the site of the action, or if an action involves disturbance of that resource. The proposed action would modify and replace existing text, add new text, and reorganize and renumber various sections of the *Zoning Resolution* regarding community facilities. The proposal would affect zoning regulations on a citywide basis, and would result in changes to the use, bulk, and parking regulations for community facilities. The potential effects of the proposed action on natural resources will be assessed in the EIS, as described in the Scope of Work. Pending completion of the studies in the EIS, there is a potential for a natural resources impact as a result of the proposed action.

J. Hazardous Materials

Hazardous materials impacts can occur when a proposed action results in increased exposure of people or the environment to hazardous materials and the increased exposure results in significant public health impacts or environmental damage. The proposed action would modify and replace existing text, add new text, and reorganize and renumber various sections of the *Zoning Resolution* regarding community facilities. The proposal would affect zoning regulations on a citywide basis, and would result in changes to the use, bulk, and parking regulations for community facilities. As discussed above in the development scenario section, the proposed action would allow new houses of worship in M-districts as-of-right. This change could result in increased development in M-districts. Because of the possibility that such areas might be characterized by hazardous materials contamination, and because there is an increased potential for ground disturbance in areas that otherwise would not be developed, the proposed action has

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the potential to result in hazardous materials impacts. Pending completion of the studies in the DEIS, there is a potential for a hazardous materials impact as a result of the proposed action. Therefore, a hazardous materials assessment will be provided in the EIS, as described in the Scope of Work.

K. Waterfront Revitalization Program

The proposed action would modify and replace existing text, add new text, and reorganize and renumber various sections of the *Zoning Resolution* regarding community facilities. The proposal would affect zoning regulations on a citywide basis, and would result in changes to the use, bulk, and parking regulations for community facilities. Some of the areas that would be affected by the proposed text amendment are located within the state and City's Coastal Zone, and therefore must be assessed for consistency with the Waterfront Revitalization Program (WRP). A new WRP consisting of 10 policies was approved by the New York State Department of State in May 2002, and concurred by the United States Department of Commerce in August 2002. These policies are used as the basis for evaluation of discretionary actions within the City's designated Coastal Zone. As stated in the attached Scope of Work, the analysis for the EIS will include a review of the 10 policies and assess the general consistency of the proposed actions with the policies. Pending completion of the studies in the EIS, there is a potential for an impact related to the Waterfront Revitalization Program as a result of the proposed action.

L. Infrastructure

The proposed action would modify and replace existing text, add new text, and reorganize and renumber various sections of the *Zoning Resolution* regarding community facilities. The proposal would affect zoning regulations on a city-wide basis, and would result in changes to the use, bulk, and parking regulations for community facilities. The proposed text amendment could result in development that would affect the demand for water and/or sanitary sewage and stormwater disposal. Therefore, an assessment to determine the proposed action's impacts on infrastructure will be presented in the EIS, as described in the attached Scope of Work. Pending completion of the studies in the EIS, there is a potential for an infrastructure impact as a result of the proposed action.

M. Solid Waste and Sanitation Services

The proposed action may affect demand for solid waste and sanitation services. Therefore, the EIS will include an assessment of impacts on solid waste and sanitation services resulting from the proposed action, as presented in the Scope of Work. Pending completion of the studies in the EIS, there is a potential for a solid waste and sanitation services impact as a result of the proposed action.

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N. Energy

An energy analysis focuses on an action's consumption of energy, and where relevant, any effects on the transmission of energy that could result from the action. An assessment of the potential for the proposed action to affect demand for energy will be assessed in the EIS as outlined in the attached Scope of Work. Pending completion of the studies in the EIS, there is a potential for an energy impact as a result of the proposed action.

O. Traffic and Parking

The proposed text amendment to community facilities zoning regulations might result in an increase in vehicular traffic in the affected areas and increased demands for parking. Therefore, a traffic and parking analysis will be provided in the EIS to assess if the proposed action would result in impacts related to traffic and parking, as described in the attached Scope of Work. Pending completion of the studies in the EIS, there is a potential for a traffic and parking impact as a result of the proposed action.

P. Transit and Pedestrians

The proposed action would modify and replace existing text, add new text, and reorganize and renumber various sections of the *Zoning Resolution* regarding community facilities. The proposal would affect zoning regulations on a citywide basis, and would result in changes to the use, bulk, and parking regulations for community facilities. Because these changes could affect transit and pedestrian conditions, the EIS will include a transit and pedestrians analysis, as described in the attached Scope of Work. Pending completion of the studies in the EIS, there is a potential for a transit and pedestrians impact as a result of the proposed action.

Q. Air Quality

An air quality analysis determines a proposed action's effects on ambient air quality, or effects on the project because of ambient air quality. Ambient air quality, or the quality of the surrounding air, can be affected by air pollutants produced by motor vehicles ("mobile sources"); and by fixed facilities ("stationary sources"). The proposed action would result in changes to the use, bulk, and parking zoning regulations for community facilities. These changes could affect mobile source and stationary source air quality. An air quality assessment will be provided in the EAS, as described in the attached Scope of Work, to assess if the proposed action would result in air quality impacts. Pending completion of the studies in the EIS, there is a potential for an air quality impact as a result of the proposed action.

R. Noise

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The goal of a noise analysis is to determine a proposed action's potential effects on sensitive noise receptors, including the effects on the interior noise levels of residential, commercial, and institutional uses. The proposed action would modify and replace existing text, add new text, and reorganize and renumber various sections of the *Zoning Resolution* regarding community facilities. The proposal would affect zoning regulations on a citywide basis, and would result in changes to the use, bulk, and parking regulations for community facilities. These changes could affect stationary source and mobile source noise conditions. Therefore, a noise analysis will be provided in the EIS, as per the attached Scope of Work. Pending completion of the studies in the EIS, there is a potential for a noise impact as a result of the proposed action.

S. Construction Impacts

Construction impacts, though usually temporary, can include disruptive and noticeable effects of a project. The determination of their significance and, therefore, whether mitigation is required, is generally based on the duration and magnitude of the impacts. The proposed action would modify and replace existing text, add new text, and reorganize and renumber various sections of the *Zoning Resolution* regarding community facilities. The proposal would affect zoning regulations on a citywide basis, and would result in changes to the use, bulk, and parking regulations for community facilities. The proposed action might result in new development; therefore, a construction impacts analysis will be presented in the EIS, as described in the attached Scope of Work. Pending completion of the studies in the EIS, there is a potential for a construction-related impact as a result of the proposed action.

T. Public Health

Public health involves the activities that society undertakes to create and maintain conditions in which people can be healthy. A public health analysis examines potential impacts on public health city-wide, or on the health of a community or certain group of individuals. The proposed action would result in changes to the use, bulk, and parking regulations for community facilities. The EIS will provide a public health analysis to determine if any public health impacts would result from the proposed action, as described in the attached Scope of Work. Pending completion of the studies in the EIS, there is a potential for a public health impact as a result of the proposed action.

Attachment B - Proposed Zoning Text Amendments

<u>Section Number</u>	<u>Title</u>
12-10	DEFINITIONS
22-13	Use Group 3
22-14	Use Group 4
22-21	By the Board of Standards and Appeals
24-33	Permitted Obstructions in Required Yards or Rear Yard Equivalents
24-51	Permitted Obstructions
25-31	General Provisions
25-42	Use of Spaces Accessory to Permitted Non-Residential Uses
25-51	General Provisions
25-53	Off-Site Spaces for Permitted Non-Residential Uses
25-531	For houses of worship
25-532	For permitted non-residential uses
25-54	Joint And Shared Facilities
25-541	Joint facilities
25-542	Shared parking facilities for houses of worship
25-55	Additional Regulations for Required Spaces When Provided Off Site
25-66	Screening
32-01	Special Provisions for Adult Establishments
33-121	In districts with bulk governed by Residence District bulk regulations
33-161	In districts with bulk governed by Residence District bulk regulations

33-42	Permitted Obstructions
36-21	General Provisions
36-22	Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements
36-37	Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements
36-41	General Provisions
36-44	Joint And Shared Facilities
36-441	Joint Facilities
36-442	Shared parking facilities for houses of worship
36-45	Additional Regulations for Required Spaces When Provided Off Site
42-00	GENERAL PROVISIONS
42-01	Special Provisions for Adult Establishments
42-11	Use Groups 4A, 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B
42-14	Use Group 17
42-32	By the City Planning Commission
43-42	Permitted Obstructions
44-21	General Provisions
44-22	Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements
44-31	General Provisions
44-33	Joint and Shared Facilities
44-331	Joint facilities
44-332	Shared facilities for houses of worship

44-34	Additional Regulations for Required Spaces When Provided Off-Site
62-212	WE uses (Waterfront-Enhancing)
73-12	Community Facility Uses in R1, R2, R3A, R3X, R3-1, R4A, R4B or R4-1 Districts
73-122	College or school student dormitories and fraternity or sorority student houses
73-125	Ambulatory diagnostic or treatment health care facilities
73-43	Reduction of Parking Spaces for Houses of Worship or Places of Assembly
73-431	Reduction of parking spaces for houses of worship
73-432	Reduction of parking spaces for places of assembly
73-44	Reduction of Parking Spaces for Ambulatory Diagnostic or Treatment Facilities Listed in Use Group 4 and Uses in Parking Requirement Category B1
73-454	For houses of worship
73-64	Modifications for Community Facility Uses
74-844	Preservation of community facility uses within certain developments containing public open areas
74-921	Use Group 3A and 4A community facilities
79-42	Special Permit for Non-profit Hospital Staff Dwelling Buildings
81-722	Use Group T
83-03	Use Group "LC"
97-111	Use Group M
106-311	Use Group M
108-111	Use Group M

112-122	Accessory parking and floor area requirements for eating or drinking establishments
122-10	SPECIAL USE REGULATIONS
123-21	Modifications of Use Groups 2, 3 and 4
123-222	Uses permitted with restrictions

Attachment C

COMMUNITY FACILITY ZONING TEXT CHANGE

Matter underlined is new, to be added;
Matter in ~~strikeout~~ is old, to be deleted;
Matter within # # signs is defined in Section 12-10;
*** indicates where unchanged text appears in the Zoning Resolution

12-10 DEFINITIONS

Adult physical culture establishments

An "adult physical culture establishment," is any establishment,... except for activities which are excluded below or defined under #physical culture or health establishment# in Section 12-10 and which are, therefore, not included within the definition of an #adult physical culture establishment#:

- (3) hospitals, nursing homes, or ambulatory diagnostic or treatment health care facilities listed in Use Group 4
~~medical clinics or medical offices;~~

Residence, or residential

A "residence" is a #building# or part of a #building# containing #dwelling units# or #rooming units#, including one-family or two-family houses, multiple dwellings, boarding or rooming houses, or #apartment hotels#. However, #residences# do not include:

- (a) such transient accommodations as #transient hotels#, #motels# or #tourist cabins#, or #trailer camps#;
- (b) #non-profit hospital staff dwellings#;

- (c) student dormitories, fraternity or sorority student houses, monasteries or convents, sanitariums, nursing homes, or other living or sleeping accommodations in #community facility buildings# or portions of #buildings# used for #community facility uses#; or

1/10/74

22-13

Use Group 3

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

A. Community facilities

*College or universities, including professional schools but excluding business colleges or trade schools

*College or school student dormitories ~~or~~ and fraternity or sorority student houses

**Domiciliary care facilities for adults under the jurisdiction of the New York State Board of Social Welfare which have secured certification by such agency.

9/13/84

22-14

Use Group 4

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

A. Community facilities

*** Ambulatory diagnostic or treatment health care facilities, limited to public, private, for-profit or not-for-profit medical, health, and mental health care facilities in which patients are diagnosed or treated by health care professionals licensed by the New York

State Department of Education or successor agency for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine, #physical culture or health establishments,# or ophthalmic dispensing.

In #buildings# containing #residences#, such facilities shall be limited to locations below the level of the first #story# ceiling, except that such facilities may be located on a second #story# provided there is separate access from the outside or directly from a portion of such facility located on the ground floor.

~~Churches, rectories, or parish houses~~

~~***~~

~~Government operated health centers or independent out-of-hospital health facilities incorporated pursuant to Article 7 of the New York State Social Services Law.~~

~~Medical offices or group medical centers, including the practice of dentistry or osteopathy, limited to a location below the level of the first #story# ceiling, except that in multiple dwellings such #uses# may be located on the second floor, if:~~

~~—— (a) separate access to the outside is provided; or~~

~~—— (b) such #use# existed on January 1, 1948~~

~~—— In R1 or R2 Districts, such #use# is further limited to not more than 1,500 square feet of #floor area# or #cellar# space.~~

Houses of Worship, rectories, or parish houses

Monasteries, convents or novitiates used only for living purposes, provided that such #use# is to be part of a group of #buildings# accommodating church house of worship activities, #schools#, or other church house of worship facilities which existed on December 15, 1961 or any applicable subsequent amendment thereto, and that such #use# is to be located on the same #zoning lot# with one or more #buildings# in such group of #buildings# or on a #zoning

lot# which is contiguous thereto or directly across the
#street# on which such #buildings# face.

Philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4, provided that the number of persons employed in central office functions shall not exceed 50, and the amount of #floor area# used for central office purposes shall not exceed 25 percent of the total #floor area# or 25,000 square feet, whichever is greater, except that in R1, R2, R3, R4, R5, R6 or R7 Districts the amount of #floor area# used for central office purposes shall in no event exceed 25 percent of the total #floor area#

C. #Accessory uses#

*** Not permitted in R1 or R2 Districts, and, in R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, limited to a maximum of 1,500 square feet of #floor area#.

12/15/61

22-20

USES PERMITTED BY SPECIAL PERMIT

9/13/84

22-21

By the Board of Standards and Appeals

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

R3A, R3X, R3-1, R4A, R4B, R4-1

Ambulatory diagnostic or treatment health care facilities listed in Use Group 4, limited to a maximum of 10,000 square feet of #floor area#.

R1 R2

College or school student dormitories ~~or~~ and fraternity or sorority student houses

~~R1 R2~~

~~Medical offices or group medical centers limited in each case to a maximum of 6,000 square feet of #floor area# or #cellar# space~~

6/12/96

24-33

Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all #Residence Districts#, the following shall not be considered obstructions when located within a required #yard# or #rear yard equivalent#:

(b) In any #rear yard# or #rear yard equivalent#:

Any #building# or portion of a #building# used for #community facility uses#, ~~except that any portion of a #building# containing rooms used for living or sleeping purposes (other than a room in a hospital used for the care or treatment of patients) shall not be a permitted obstruction, and~~ provided that the height of such #building# shall not exceed one #story#, nor in any event 23 feet above #curb level#. However, ~~such #building# shall not be a permitted obstruction in R1 or R2 Districts; the following shall not be permitted obstructions:~~

- (1) in all #residence districts#, any portion of a #building# containing rooms used for living or sleeping purposes, other than a room in a hospital used for the care or treatment of patients;
- (2) in R1, R2, R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, any portion of a #building# used for any #community facility use#;
- (3) in all #residence districts# not listed in paragraph (b)(2) of this Section, beyond one hundred feet of a

#wide street#, any portion of a #building# used for a #community facility use# other than a #school#, house of worship, college or university, or hospital and related facilities;

Parking spaces, off-street, #accessory# to a #community facility building# or a #building# used partly for #community facility uses#, provided that the height of an #accessory building# used for such purposes shall not exceed 14 feet above #curb level#. However, such #accessory building# shall not be a permitted obstruction in R1, ~~or~~ R2, R3A, R3X, R3-1, R4A, R4B, or R4-1 Districts;

7/26/01

24-51

Permitted Obstructions

In all #Residence Districts#, the following shall not be considered obstructions and may thus penetrate a maximum height limit or #front# or #rear sky exposure planes# set forth in Sections 24-52 (Maximum Height of Walls and Required Setbacks), 24-53 (Alternate Front Setbacks) or 24-591 (Limited Height Districts):

(a) Balconies, unenclosed, subject to the provisions of Section 24-165;

(b) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;

~~(c) Church towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;~~

~~(d)~~ (c) Elevator or stair bulkheads, roof water tanks or cooling towers (including enclosures), each having an #aggregate width of street walls# equal to not more than 30 feet. However, the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure

equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;

~~(e)~~ (d) Flagpoles or aerals;

(e) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;

(f) Parapet walls, not more than four feet high;

(g) Spires or belfries;

(h) Wire, chain link or other transparent fences.

Building columns having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building# are a permitted obstruction, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 24-52, 24-53, or 24-54 (Tower Regulations).

12/15/61

25-30

REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR PERMITTED NON-RESIDENTIAL USES

10/25/93

25-31

General Provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

REQUIRED OFF-STREET PARKING SPACES FOR NON-RESIDENTIAL USES

Type of #use#

Parking Spaces Required in Relation
to Specified Unit of Measurement

- District

FOR COMMUNITY FACILITY USES:

~~Medical offices or group medical centers~~
Ambulatory diagnostic or treatment health care facilities listed
in Use Group 4

Square feet of #floor area# and #cellar# space, except #cellar#
space #used# for storage:

None required - R7-2 R7A R7X R8 R9 R10

1 per 400 - R1 R2 R3

1 per 500 - R4 R5

1 per 800 - R6 R7-1 R7B

~~Churches~~

Houses of Worship, applicable only to the facility's largest room
of assembly; however, rooms separated by movable partitions shall
be considered a single room

None required - ~~R6 R7 R7-2 R7A R7X~~ R8 R9 R10

1 per 10 ~~fixed seats~~ persons rated capacity - R1 R2 R3

1 per 15 ~~fixed seats~~ persons rated capacity - R4 R5

~~1 per 20 fixed seats - R6 R7-1 R7B~~

Clubs, community centers or settlement houses; philanthropic or
non-profit institutions without sleeping accommodations excluding
ambulatory diagnostic or treatment health care facilities listed
in Use Group 4; golf course club houses; ~~health centers~~; non-
commercial recreation centers; or welfare centers, provided that
in R5, R6 and R7-1 Districts, no #accessory# off-street parking
spaces shall be required for that portion of a non-profit
neighborhood settlement house or community center which is used
for youth-oriented activities.

Rated Capacity:

None required - R7-2 R7A R7X R8 R9 R10

1 per 10 persons - R1 R2 R3 R4 R5

1 per 20 persons - R6 R7-1 R7B

College student dormitories, fraternity or sorority student
houses

None required - R7-2 R7A R7X R8 R9 R10
1 per 6 beds - R1 R2 R3 R4 R5
1 per 12 beds - R6 R7-1 R7B

12/15/61

25-40

RESTRICTIONS ON OPERATION OF ACCESSORY OFF-STREET PARKING SPACES

12/15/61

25-42

Use of Spaces Accessory to Permitted Non-Residential Uses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, which are #accessory# to permitted non-#residential uses# shall be used only by occupants, visitors, customers or employees of such #uses# and shall not be rented except as may be provided for houses of worship pursuant to Section 25-542 (Shared facilities for houses of worship).

12/15/61

25-50

RESTRICTIONS ON LOCATION OF ACCESSORY OFF-STREET PARKING SPACES

12/15/61

25-51

General Provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, #accessory# to #residences#, to permitted #community facility uses#, to #commercial uses# permitted as #accessory uses# in #large-scale residential developments#, or to #uses# permitted by special

permit, shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

Section 25-52 (Off-Site Spaces for Residences)

Section 25-53 (Off-Site Spaces for Permitted Non-Residential Uses)

Section 25-54 (Joint And Shared Facilities)

Section 25-55 (Additional Regulations for Required Spaces When Provided Off Site)

Section 73-45 (Modification of Off-Site Parking Provisions)

12/15/61

25-53

Off-Site Spaces for Permitted Non-Residential Uses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, off-site parking spaces may be provided in accordance with the provisions set forth in this Section.

25-531

For houses of worship

R1 R2 R3 R4

In the districts indicated, all required off-street parking spaces #accessory# to permitted houses of worship may be provided on a #zoning lot# other than the same #zoning lot# as such house of worship but within the same district or an adjoining district provided that in such instances all such spaces shall be not further than 600 feet from the nearest boundary of the #zoning lot# containing such #uses#.

25-532

For permitted non-residential uses

R5 R6 R7 R8 R9 R10

In the districts indicated, all permitted or required off-street parking spaces #accessory# to permitted non-#residential uses# may be provided on a #zoning lot# other than the same #zoning lot# as such #uses#, but within the same district or an adjoining district other than an R1, R2, R3 or R4 District provided that in such instances all such spaces located in a #Residence District# shall be not further than 200 feet from the nearest boundary of the #zoning lot# containing such #uses#, and all such spaces located in a #Commercial# or #Manufacturing District# shall be not further than 600 feet from the nearest boundary of such #zoning lot#, and provided further that the Commissioner of Buildings determines that:

- (a) there is no way to arrange such spaces on the same #zoning lot# as such #uses#; and
- (b) such spaces are so located as to draw a minimum of vehicular traffic to and through #streets# having predominantly #residential# frontages.

Such parking spaces shall conform to all additional regulations promulgated by the Commissioner of Buildings to minimize adverse effects on the character of surrounding areas.

12/15/61

25-54

Joint And Shared Facilities

25-541

Joint facilities

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

- (a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined number of #dwelling units# or the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#:

Section 25-21 (General Provisions)

Section 25-31 (General Provisions)

Section 25-32 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements);

- (b) all such spaces are located in a district where they are permitted under the applicable provisions of Section 25-52 (Off-Site Spaces for Residences), Section 25-53 (Off-Site Spaces for Permitted Non-Residential Uses), or Section 73-45 (Modification of Off-Site Parking Provisions); and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

25-542

Shared parking facilities for houses of worship

R1 R2 R3 R4 R5

In the districts indicated, required #accessory# off-street parking spaces may be provided for houses of worship in facilities designed to be shared with other permitted non-#residential uses#, in any district, provided that:

- (a) no more than 25 percent of the spaces in such facilities may be used to satisfy the parking requirement for both the house of worship and other permitted non-#residential uses#, except that such percentage may be increased by the Commissioner of Buildings if it can be demonstrated that such additional parking spaces would not be used by the house of worship and other permitted non-#residential uses# at the same times.
- (b) all such spaces are no further than 600 feet from the nearest boundary of the #zoning lot# containing the house of worship.
- (c) all such spaces conform to all applicable regulations of the district in which they are located.

8/18/77

25-55

Additional Regulations for Required Spaces When Provided Off Site

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, when required #accessory# off-street parking spaces are provided off the site in accordance with the provisions of Section 25-52 (Off-Site Spaces for Residences), Section 25-53 (Off-Site Spaces for Permitted Non-Residential Uses), or Section 25-54 (Joint and Shared Facilities), the following additional regulations shall apply:

- (a) Such spaces shall be in the same ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces available throughout the life of such #use#.
- (b) Such spaces shall conform to all applicable regulations of the district in which they are located.

12/15/61

25-66

Screening

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all open off-street parking areas or groups of individual garages with 10 spaces or more, which are located either at natural grade or on a roof, shall be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street#, by either:

- (a) a strip at least four feet wide, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or
- (b) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof). Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

For community facilities located in R1, R2, R3, R4 or R5 Districts, except for any parking that is located on a roof, all such parking shall be screened pursuant to paragraph (a) herein.

In addition, such screening:

- (1) shall be maintained in good condition at all times;
- (2) may be interrupted by normal entrances or exits; and
- (3) shall have no #signs# hung or attached thereto other than those permitted in Section 22-323 (Signs for parking areas).

10/31/01

32-01

Special Provisions for Adult Establishments

In addition to the applicable regulations for the #uses# listed in a permitted Use Group, #adult establishments# shall be subject to the following provisions:

- (a) #Adult establishments# are not permitted in C1, C2, C3, C4, C5, C6-1, C6-2 or C6-3 Districts.
- (b) In C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, no #adult establishment# shall be established less than 500 feet from a church house of worship, a #school#, a #Residence District#, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a #Manufacturing District#, other than an M1-6M District, in which new #residences#, new #joint living-work quarters for artists# or new #loft dwellings# are allowed, under the provisions of the Zoning Resolution, as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences#, new #joint living-work quarters for artists# or new #loft dwellings# on #commercial# or #manufacturing uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision. However, on or after October 25, 1995, an #adult establishment# that otherwise complies with the provisions of this paragraph shall not be rendered #non-conforming# if a church house of worship or a #school# is established on or after April 10, 1995, within 500 feet of such #adult establishment#.

6/29/94

33-121

In districts with bulk governed by Residence District bulk regulations

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the maximum #floor area ratio# for a #commercial# or #community facility building# is determined by the #Residence District# within which such #Commercial District# is mapped and shall not exceed the maximum #floor area ratio# set forth in the following table:

MAXIMUM FLOOR AREA RATIO

District	For #Commercial Buildings#	For #Community Facility Buildings#	For #Buildings# Used for Both #Commercial# and #Community Facility Uses#
R1 R2	1.00	0.50	1.00
R3 <u>R3-1</u> <u>R3A R3X</u>	1.00	1.00	1.00
<u>R3-2</u> R4 R5	1.00	2.00	2.00
R6B	2.00	2.00	2.00
R6A R7B	2.00	3.00	3.00
R7A R8B	2.00	4.00*	4.00
R6 R7-1	2.00	4.80	4.80
R7X	2.00	5.00	5.00
R7-2 R8	2.00	6.50	6.50
R8X	2.00	6.00	6.00
R9	2.00	10.00	10.00
R9A	2.00	7.50	7.50

R9X	2.00	9.00	9.00
R10	2.00	10.00	10.00

* In R8B Districts, within the boundaries of Community Board 8 in the Borough of Manhattan, the maximum #floor area ratio# on a #zoning lot# containing #community facility uses# exclusively shall not exceed 5.10.

33-16

Floor Area Bonus for Front Yards

8/27/98

33-161

In districts with bulk governed by Residence District bulk regulations

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, when mapped within an R1, R2, R3, R4 or R5 District, on any #zoning lot# on which there are provided #yards# as set forth in this Section, the maximum #floor area ratio# set forth in Section 33-12 (Maximum Floor Area Ratio) for a #community facility building# or a #building# used partly for #commercial use# and partly for #community facility use#, may be increased to the #floor area ratio# set forth in the following table provided that:

- (a) on #interior lots#, a #front yard# not less than 30 feet in depth is provided;
- (b) on #corner lots#, two #front yards#, each not less than 20 feet in depth, are provided; or
- (c) on #through lots#, a #front yard# not less than 30 feet in depth is provided along each #front lot line#.

MAXIMUM FLOOR AREA RATIO

Districts	Maximum #Floor Area Ratio#
-----------	----------------------------

When mapped within R1,
R2, ~~or R3~~ R3-1, R3A or
R3X Districts 1.60

When mapped within R4 or
R5 Districts 2.40

6/12/96

33-42

Permitted Obstructions

In all #Commercial Districts#, the following shall not be considered obstructions and may thus penetrate a maximum height limit or #front# or #rear sky exposure planes# as set forth in Sections 33-43 (Maximum Height of Walls and Required Setbacks), 33-44 (Alternate Front Setbacks) or 33-491 (Limited Height Districts):

(a) Balconies, unenclosed, subject to the provisions of Section 24-165.

(b) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any given level;

~~(c) Church towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;~~

~~(d)~~ (c) Elevator or stair bulkheads, roof water tanks or cooling towers (including enclosures), each having an #aggregate width of street walls# equal to not more than 30 feet. However, the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;

~~(e)~~ (d) Flagpoles or aerials;

(e) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky

exposure plane#;

(f) Parapet walls, not more than four feet high;

12/15/61

36-20

REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES

2/9/94

36-21

General Provisions

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section for all new #development# after December 15, 1961, for the #commercial# or #community facility uses# listed in the table. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development#.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed#, under single ownership or control, shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons that may be accommodated by such #uses#.

After December 15, 1961, if an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table in this Section, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement.

The requirements of this Section shall be waived in the following situations:

- (a) when, as a result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 36-23 (Waiver of Requirements for Spaces below Minimum Number); or
- (b) when the Commissioner of Buildings has certified, in accordance with the provisions of Section 36-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden), that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section 36-53 (Location of Access to the Street).

REQUIRED OFF-STREET PARKING SPACES FOR COMMERCIAL
OR COMMUNITY FACILITY USES

Type of #Use#

Parking Spaces Required in Relation
to Specified Unit of Measurement - Districts

FOR COMMUNITY FACILITY USES

Ambulatory diagnostic or treatment health care facilities listed
in Use Group 4

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8
C4-4A C4-5 C4-6 C4-7 C5 C6 C8-4

1 per 150* sq. ft. of #floor area#
and #cellar# space, except #cellar#
space used for storage - C1-1 C2-1 C3 C4-1

1 per 300* sq. ft. of #floor area#
and #cellar# space, except #cellar#
space used for storage - C1-2 C2-2 C4-2 C8-1

1 per 400* sq. ft. of #floor area#
and #cellar# space, except #cellar#
space used for storage - C1-3 C2-3 C4-2A C4-3 C7 C8-2

1 per 1,000 sq. ft. of #floor area#
and #cellar# space, except #cellar#
space used for storage - C1-4 C2-4 C4-4 C8-3

except 1 per 400 square feet of #floor area# when located above
the first #story# ceiling in C1-1, C1-2, C2-1 or C2-2 Districts
mapped within R3-2 Districts

Churches

Houses of Worship, applicable only to the facility's largest room
of assembly; however, rooms separated by movable partitions shall
be considered a single room

None required - C1 and C2 districts mapped within R6, R7, R8, R9
or R10 districts ~~C1-4 C1-5~~ C1-6 C1-7 C1-8 C1-9 ~~C2-4 C2-5~~ C2-6 C2-
7 C2-8 C4-2A C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-2 C8-3 C8-4

1 per 10 ~~fixed seats~~ persons rated capacity - C1 and C2 districts
mapped within R1, R2 or R3 districts, ~~C1-1 C2-1~~ C3 C4-1

1 per 15 ~~fixed seats~~ persons rated capacity - ~~C1-2 C2-2~~ C1 and C2
districts mapped within R4 and R5 districts C4-2 C8-1

~~1 per 20 fixed seats - C1-3 C2-3 C4-2A C4-3 C8-2~~

Clubs, community centers or settlement houses; philanthropic or
non-profit institutions without sleeping accommodations excluding
ambulatory diagnostic or treatment health care facilities listed
in Use Group 4; golf course club houses; ~~health centers~~; non-
commercial recreation centers; or welfare centers

None required - C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6
C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4

1 per 10 persons rated capacity - C1-1 C1-2 C2-1 C2-2 C3 C4-1
C4-2 C8-1

1 per 20 persons rated capacity - C1-3 C2-3 C4-2A C4-3 C7 C8-2

- * The parking requirements for ambulatory diagnostic or treatment facilities listed in Use Group 4 and #uses# in parking requirement category B1 may be reduced by permit of the Board of Standards and Appeals in accordance with the provisions of Section 73-44 (Reduction of Parking Spaces for Uses in Parking Requirement Category B1)
- ** In the case of golf driving ranges, the requirements in this table apply only to that portion of the range used for tees
- *** For predominantly open storage of miscellaneous #uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements
- **** Requirements are in addition to area utilized for ambulance parking
- ***** Requirements apply only to the #floor area# not used for storage.

College student dormitories ~~or~~ and fraternity or sorority student houses

None required - C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6
C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6

1 per 6 beds - C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2

1 per 12 beds - C1-3 C2-3 C4-2A C4-3

12/15/61

36-22

Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements

C1 C2 C3 C4 C5 C6 C7 C8

In all districts indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in the following Sections, the parking requirements

for each type of #use# shall apply to the extent of that #use#:

Section 36-21 (General Provisions)

Section 36-31 (General Provisions)

However, the number of spaces required for ~~churches~~ houses of worship or for #uses# in parking requirement category D (Places of Assembly) when in the same #building# or on the same #zoning lot# as any other #use# may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-43 (Reduction of Parking Spaces for ~~Churches~~ Houses of Worship or Places of Assembly).

7/6/72

36-37

Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in the following Sections, the parking requirements for each type of #use# shall apply to the extent of that #use#.

Section 36-21 (General Provisions)

Section 36-31 (General Provisions)

However, the number of spaces required for ~~churches~~ houses of worship or for #uses# in parking requirement category D (Places of Assembly) when in the same #building# or on the same #zoning lot# as any other #use# may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-43 (Reduction of Parking Spaces for ~~Churches~~ Houses of Worship or Places of Assembly).

12/15/61

36-40

RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING

SPACES

6/23/66

36-41

General Provisions

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, #accessory# to #residences# or to #commercial# or #community facility uses# shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

Section 36-42 (Off-Site Spaces for Residences)

Section 36-43 (Off-Site Spaces for Commercial or Community Facility Uses)

Section 36-44 (Joint and Shared Facilities)

Section 36-45 (Additional Regulations for Required Spaces When Provided Off-Site)

Section 73-45 (Modification of Off-Site Parking Provisions)

Such exceptions to the requirement that the spaces be provided on the same #zoning lot# as the #building# or #use# to which they are #accessory# shall not apply in the case of spaces provided in a permitted #public parking garage# in accordance with the provisions of Section 36-57 (Accessory Off-Street Parking Spaces in Public Parking Garages).

12/15/61

36-43

Off-Site Spaces for Commercial or Community Facility Uses

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required off-street parking spaces #accessory# to #commercial# or #community facility uses# may be provided on a #zoning lot# other than the

same #zoning lot# as such #uses# but within the same district or an adjoining #Commercial District# or #Manufacturing District#. However, all required spaces shall not be further than 600 feet from the nearest boundary of the #zoning lot# on which such #uses# are located.

12/15/61

36-44

Joint And Shared Facilities

36-441

Joint Facilities

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

- (a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined number of #dwelling units# or the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#:

Section 36-21 (General Provisions)

Section 36-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements)

Section 36-31 (General Provisions);

- (b) all such spaces are located in a district where they are permitted under the applicable provisions of Section 36-42 (Off-Site Spaces for Residences), Section 36-43 (Off-Site Spaces for Commercial or Community Facility Uses), or Section 73-45 (Modification of Off-Site Parking Provisions); and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

36-442

Shared parking facilities for houses of worship

C1 or C2 districts mapped within R1, R2, R3, R4 or R5 districts
C3 C4-1 C4-2 C8-1

In the districts indicated, required #accessory# off-street parking spaces may be provided for houses of worship in facilities designed to be shared with other permitted non-#residential uses#, in any district, provided that:

- (a) no more than 25 percent of the spaces in such facilities may be used to satisfy the parking requirement for both the house of worship and other permitted non-#residential uses#, except that such percentage may be increased by the Commissioner of Buildings if it can be demonstrated that such additional parking spaces would not be used by the house of worship and other permitted non-#residential uses# at the same times.
- (b) all such spaces are no further than 600 feet from the nearest boundary of the #zoning lot# containing the house of worship.
- (c) all such spaces conform to all applicable regulations of the district in which they are located.

8/18/77

36-45

Additional Regulations for Required Spaces When Provided Off Site

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, when required #accessory# off-street parking spaces are provided off the site in accordance with the provisions of Section 36-42 (Off-Site Spaces for Residences), Section 36-43 (Off-Site Spaces for Commercial or Community Facility Uses), or Section 36-44 (Joint And Shared Facilities), the following additional regulations shall apply:

- (a) such spaces shall be in the same ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces available throughout the life of such #use#; and

- (b) such spaces shall conform to all applicable regulations of the district in which they are located.

10/25/95

42-00

GENERAL PROVISIONS

In order to carry out the purposes and provisions of this Resolution, the #uses# of #buildings or other structures# and of tracts of land have been classified and combined into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group.

Use Groups 4B, 4C, 5, 6A, 6B, 7, 8, 9B, 9C, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14, 16, 17 or 18, including each #use# listed separately therein, and certain #uses# listed in Use Groups 3A, 4A, 6C, 9A, 10A or 12B are permitted in #Manufacturing Districts# as indicated in Section 42-11 to 42-15, inclusive, except that any such #use# which is also an #adult establishment# shall, in addition, be subject to the provisions of Section 42-01 (Special Provisions for Adult Establishments).

10/31/01

42-01

Special Provisions for Adult Establishments

In addition to the applicable regulations for the #uses# listed in a permitted Use Group, #adult establishments# shall be subject to the following provisions:

- (b) In all other #Manufacturing Districts#, no #adult establishment# shall be established:
- (i) less than 500 feet from the following: a church house of worship established prior to (the effective date of this amendment), a #school#, a #Residence District#, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a #Manufacturing District#, other than an M1-6M District, in which new #residences#, new #joint living-work

quarters for artists# or new #loft dwellings# are allowed, under the provisions of the Zoning Resolution, as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences#, new #joint living-work quarters for artists# or new #loft dwellings# on #commercial# or #manufacturing uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision.~~;~~or,

(ii) less than 100 feet from the following: a house of worship established on or after (the effective date of this amendment).

However, on or after October 25, 1995, an #adult establishment# that otherwise complies with the provisions of this paragraph, (b), shall not be rendered #non-conforming# if a ~~church~~ house of worship or a #school# is established: (i) on or after April 10, 1995, and prior to (the effective date of this amendment), less than within 500 feet of such #adult establishment#; or, (ii) on or after (the effective date of this amendment), less than 100 feet of such #adult establishment#.

1/28/71

42-10

USES PERMITTED AS-OF-RIGHT

8/16/79

42-11

Use Groups 4A, 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B

M1

Use Groups 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B as set forth in Sections 32-14, 32-15, 32-16, 32-18, 32-21.

All health facilities listed in Use Group 4A and requiring approval under Article 28 of the Public Health Law of the State of New York, which prior to July 10, 1974, have received approval of Part I of the required application from the Commissioner of Health, and houses of worship, are allowed as-of-right and are

not subject to the special permit provision of Sections 42-32 and 74-921.

2/26/98

42-14

Use Group 17

M1 M2 M3

Use Group 17 consists primarily of #manufacturing uses# which:
...

B. Manufacturing establishments

Adhesives, excluding manufacture of basic components

Statuary, mannequins, figurines, or religious ~~or church~~ art goods, excluding foundry operations

12/11/01

42-32

By the City Planning Commission

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4.

M1 M2 M3

#Uses# listed in a permitted Use Group for which #railroad or transit air space# is #developed#

M1

#Uses# listed in Use Group 4A Community Facilities, except houses of worship.

M1

Variety stores, with no limitation on #floor area# per establishment [PRC-B]

2/26/67

43-42

Permitted Obstructions

In all #Manufacturing Districts#, the following shall not be considered obstructions and may thus penetrate a maximum height limit or a #sky exposure plane# set forth in Sections 43-43 (Maximum Height of Front Wall and Required Front Setbacks), 43-44 (Alternate Front Setbacks) or 43-49 (Limited Height Districts).

- (a) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any given level;
- ~~(b) Church towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;~~
- ~~(c)~~ (b) Elevator or stair bulkheads, roof water tanks or cooling towers (including enclosures), each having an #aggregate width of street walls# equal to not more than 30 feet. However, the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;
- ~~(d)~~ (c) Flagpoles or aerials;
- (d) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (e) Parapet walls, not more than four feet high;

12/15/61

44-20

REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES

10/25/93

44-21

General Provisions

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section for all new #development# after December 15, 1961, for the #manufacturing#, #commercial# or #community facility uses# listed in the table. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development#.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons which may be accommodated by such #uses#.

After December 15, 1961, if an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table in this Section, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement.

The requirements of this Section shall be waived in the following situations:

- (a) When, as the result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 44-23 (Waiver of Requirements for Spaces Below Minimum Number).

- (b) When the Commissioner of Buildings has certified, in accordance with the provisions of Section 44-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden), that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section 44-43 (Location of Access to the Street).

REQUIRED OFF-STREET PARKING SPACES FOR MANUFACTURING,
COMMERCIAL OR COMMUNITY FACILITY USES

Type of #Use#

Parking Spaces Required, in Relation
to Specified Unit of Measurement

Districts

FOR COMMUNITY FACILITY USES

Ambulatory diagnostic or treatment health care facilities listed
in Use Group 4

None required - M1-4 M1-5 M1-6

1 per 300*** sq. ft. of #floor area#
and #cellar# space, except #cellar#
space used for storage - M1-1 M1-2 M1-3

Churches

Houses of Worship, applicable only to the facility's largest room
of assembly; however, rooms separated by movable partitions shall
be considered a single room

None required - M1-4 M1-5 M1-6

1 per 15 ~~fixed seats~~ persons rated capacity - M1-1 M1-2 M1-3

Clubs, community centers, or settlement houses; philanthropic or
non-profit institutions without sleeping accommodations ~~except~~
ambulatory diagnostic or treatment health care facilities listed
in Use Group 4; golf course club houses; ~~health centers~~; non-
commercial recreation centers; or welfare centers

Rated capacity:

None required - M1-4 M1-5 M1-6

1 per 10 persons - M1-1 M1-2 M1-3

*** The parking requirements for ambulatory diagnostic or treatment health care facilities listed in Use Group 4 and #uses# in parking requirement category B1 may be reduced by permit of the Board of Standards and Appeals in accordance with the provisions of Section 73-44 (Reduction of Spaces for ambulatory diagnostic or treatment health care facilities listed in Use Group 4 and Uses in Parking Requirement Category B1)

12/15/61

44-22

Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements

M1 M2 M3

In all districts, as indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in Section 44-21 (General Provisions), the parking requirements for each type of #use# shall apply to the extent of that #use#.

However, the number of spaces required for ~~churches~~ houses of worship or for #uses# in parking requirement category D (Places of Assembly), when in the same #building# or on the same #zoning lot# as any other #use#, may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-43 (Reduction of Parking Spaces for ~~Churches~~ Houses of Worship or Places of Assembly).

12/15/61

44-30

RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING

SPACES

6/23/66

44-31

General Provisions

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, #accessory# to any permitted #use# shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

Section 44-32 (Off-Site Spaces for All Permitted Uses)

Section 44-33 (Joint and Shared Facilities)

Section 44-34 (Additional Regulations for Required Spaces When Provided Off-Site)

Section 73-45 (Modification of Off-Site Parking Provisions)

Such exceptions to the requirement that the spaces be provided on the same #zoning lot# as the #building# or #use# to which they are #accessory# shall not apply in the case of spaces provided in a permitted #public parking garage# in accordance with the provisions of Section 44-46 (Accessory Off-Street Parking Spaces in Public Parking Garages).

12/15/61

44-32

Off-Site Spaces for All Permitted Uses

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces #accessory# to any permitted #use# may be provided on a #zoning lot# other than the same #zoning lot# as such #use# but within the same district or an adjoining C8 or #Manufacturing District#. However, all required spaces shall be not more than 600 feet from the nearest boundary of the #zoning lot# on which such #use# is located.

12/15/61

44-33

Joint and Shared Facilities

44-331

Joint facilities

M1 M2 M3

In all districts, as indicated, required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

- (a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#:

Section 44-21 (General Provisions)

Section 44-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements)

- (b) all such spaces conform to the provisions of Section 44-32 (Off-Site Spaces for All Permitted Uses); and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

44-332

Shared facilities for houses of worship

M1-1 M1-2 M1-3

In the districts indicated, required #accessory# off-street parking spaces may be provided for houses of worship in facilities designed to be shared with other permitted non-#residential uses#, in any district, provided that:

- (a) no more than 25 percent of the spaces in such facilities may be used to satisfy the parking requirement for both the house of worship and other permitted non-#residential uses#, except that such percentage may be increased by the Commissioner of Buildings if it can be demonstrated that such additional parking spaces would not be used by the house of worship and other permitted non-#residential uses#

at the same times.

- (b) all such spaces are no further than 600 feet from the nearest boundary of the #zoning lot# containing the house of worship.
- (c) all such spaces conform to all applicable regulations of the district in which they are located.

8/18/77

44-34

Additional Regulations for Required Spaces When Provided Off-Site

M1 M2 M3

In all districts, as indicated, when required #accessory# off-street parking spaces are provided off the site in accordance with the provisions of Sections 44-32 (Off-Site Spaces for All Permitted Uses) or 44-33 (Joint and Shared Facilities), the following additional regulations shall apply:

- (a) Such spaces shall be in the same ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces available throughout the life of such #use#.
- (b) Such spaces shall conform to all applicable regulations of the district in which they are located.

10/25/93

62-212

WE uses (Waterfront-Enhancing)

WE #uses# comprise a group of primarily recreational, cultural, entertainment or retail shopping #uses# that, when located at the water's edge, add to the public use and enjoyment of the waterfront. WE #uses# shall be limited to the following:

From Use Group 4:

~~Churches~~

Community centers

Houses of worship

*Ice skating rinks, outdoor

Recreation centers, non-commercial

*Philanthropic or non-profit institutions ~~—~~ without
sleeping accommodations, excluding ambulatory diagnostic or
treatment health care facilities listed in Use Group 4

Golf courses

7/22/71

73-10

SPECIAL PERMIT USES

12/15/61

73-12

**Community Facility Uses in R1, ~~or~~ R2, R3A, R3X, R3-1, R4A, R4B or
R4-1 Districts**

In R1, ~~or~~ R2, R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, the
Board of Standards and Appeals may permit specified #community
facility uses# in accordance with the provisions of this Section.

73-122

**College or school student dormitories ~~or~~ and fraternity or
sorority student houses**

The Board of Standards and Appeals may permit college or school student dormitories ~~or~~ and fraternity or sorority student houses in R1 or R2 Districts, provided that the following findings are made: ...

5/22/63

73-125

~~Medical offices or group medical centers~~

Ambulatory diagnostic or treatment health care facilities

In ~~R1 or R2~~ R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, the Board of Standards and Appeals may permit ambulatory diagnostic or treatment health care facilities listed in Use Group 4, ~~medical offices or group medical centers,~~ including the practice of ~~dentistry or osteopathy,~~ limited in each case to a maximum of ~~6,000~~ 10,000 square feet of #floor area# ~~and to a location below the level of the first #story# ceiling,~~ provided that the Board finds ~~following findings are made:~~

- ~~(a)~~ that the amount of open area and its distribution on the #zoning lot# conform to standards appropriate to the character of the neighborhood~~;~~.
- ~~(b)~~ ~~that, notwithstanding the provisions of Section 25-33 (Waiver of Requirements for Spaces below Minimum Number), at least one #accessory# off-street parking space is provided for each 400 square feet of #floor area#; and~~
- ~~(c)~~ ~~that all open #accessory# off-street parking spaces will be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street#, by a strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years.~~

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

12/15/61

73-43

Reduction of Parking Spaces for ~~Churches~~ Houses of Worship or Places of Assembly

The Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required under the provisions of Sections 25-31, 36-21 or 44-21 (General Provisions) for Houses of Worship or Places of Assembly, in accordance with the applicable provisions of the following Sections.

73-431

Reduction of parking spaces for houses of worship

In all districts, the Board of Standards and Appeals may permit a reduction in the number of required #accessory# off-street parking spaces for houses of worship, provided:

- (a) the house of worship will be operated or utilized in such a manner as to reduce demand for on-site parking;
- (b) such reduction is commensurate with the reduced demand for on-site parking.

The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-432

Reduction of parking spaces for places of assembly

In all #Commercial# and #Manufacturing Districts#, the Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required under the provisions of Sections 25-31, 36-21 or 44-21 (General Provisions) for ~~churches or~~ #uses# in parking requirement category D (Places of Assembly) whenever such #uses# are located in the same #building# or on the same #zoning lot# as other #uses#, proportionate to the extent that the Board finds:

- (a) that the spaces #accessory# to such other #uses# will remain available for #use# by persons visiting the ~~church or~~ place of assembly during the entire period that such ~~church or~~ place of assembly remains in #use#; and
- (b) that, in accordance with submitted schedules of the times of operation for all #uses# within the #building# or on the

#zoning lot#, there will be no conflict in the #use# of such #accessory# off-street parking spaces, and that the provision of the full quota of required off-street parking spaces for ~~churches~~ and places of assembly is therefore not needed. The permit to reduce such spaces shall be automatically revoked whenever there is a change in the nature of the conditions upon which such reduced requirements were based, including changes in #use#, availability of spaces or hours of operation.

12/15/61

73-44

Reduction of Parking Spaces for Ambulatory Diagnostic or Treatment Facilities Listed in Use Group 4 and Uses in Parking Requirement Category B1

In the districts indicated, the Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required by the provisions of Section 36-21 or 44-21 (General Provisions) for ambulatory diagnostic or treatment facilities listed in Use Group 4 and #uses# in parking requirement category B1 in Use Group 6, 7, 8, 9, 10, 11, 14, or 16 to the applicable number of spaces specified in the table set forth at the end of this Section, provided that the Board finds that occupancy by ambulatory diagnostic or treatment facilities listed in Use Group 4 or #uses# in parking category B1 is contemplated in good faith on the basis of evidence submitted by the applicant. In such a case the Board shall require that the certificate of occupancy issued for the #building# within which such #use# is located shall state that no certificate shall thereafter be issued if the #use# is changed to a #use# listed in parking category B unless additional #accessory# off-street parking spaces sufficient to meet such requirements are provided on the site or within the permitted off-site radius.

REDUCED ACCESSORY OFF-STREET PARKING SPACES REQUIRED FOR AMBULATORY DIAGNOSTIC OR TREATMENT FACILITIES LISTED IN USE GROUP 4 AND COMMERCIAL USES IN PARKING REQUIREMENT CATEGORY B1

Parking Spaces Required
per Number of Square
Feet of #Floor Area# *

Districts

1 per 400	C1-1 C2-1 C3 C4-1
1 per 600	C1-2 C2-2 C4-2 C8-1 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
1 per 800	C1-3 C2-3 C4-3 C7 C8-2

* For ambulatory diagnostic or treatment facilities listed in Use Group 4, parking spaces required per number of square feet of #floor area# or #cellar# space, except #cellar# space #used# for storage

73-45
Modification of Off-Site Parking Provisions

73-454
For houses of worship

The Board of Standards and Appeals may modify, as applicable, the provision of Section 25-53 (Off-Site Spaces for Permitted Non-Residential Uses), 25-542 (Shared parking facilities for houses of worship), 36-43 (Off-Site Spaces for Commercial or Community Facility Uses), 36-442 (Shared parking facilities for houses of worship), 44-32 (Off-Site Spaces for All Permitted Uses), or 44-332 (Shared facilities for houses of worship) relating to the maximum permitted distance of the location of #accessory# off-street parking spaces for houses of worship, provided that in such instances all such spaces shall be not further than 1,000 feet from the nearest boundary of the #zoning lot# containing such house of worship, upon finding that:

- (a) such spaces conform to all applicable regulations of the district in which they are located;
- (b) the location of such spaces will not result in undue traffic congestion in the area.

The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

7/22/71

73-60

MODIFICATIONS OF BULK REGULATIONS

6/27/63

73-64

Modifications for Community Facility Uses

On a #zoning lot# occupied by any of the #community facility uses# specified herein, and in all districts where such #uses# are permitted as-of-right or by special permit, the Board of Standards and Appeals may permit #developments# or #enlargements# for such #uses#, which do not comply with certain applicable district #bulk# regulations, in accordance with the provisions of this Section.

Such specified #community facility uses# are:

~~Churches, rectories, parish houses, or seminaries~~

College or school student dormitories or fraternity ~~or~~ and sorority student houses

Colleges or universities, including professional schools, but excluding business colleges or trade schools
Community centers

Houses of worship, rectories, parish houses, or seminaries

Libraries, museums, or non-commercial art galleries

Philanthropic or non-profit institutions with or without sleeping accommodations, excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4

6/12/96

74-844

Preservation of community facility uses within certain developments containing public open areas

For any #development# on a #zoning lot# a portion of which,...

- (a) that the provision of the new #community facility building# will result in the reinforcement or preservation of an existing ~~church, or other~~ house of worship, community ...

74-92

Use Group 4A Community Facilities and Certain Large Retail Establishments in Manufacturing Districts

74-921

Use Group 4A community facilities

In M1 Districts, except for houses of worship, the City Planning Commission may permit #uses# listed in Use Group 4A - Community Facilities.

As a condition of granting a special permit for such community facilities, the Commission shall find that:

7/12/84

79-42

Special Permit for Non-profit Hospital Staff Dwelling Buildings

For #non-profit hospital staff dwellings# in #large-scale community facility developments# in Manhattan Community Board 8, the City Planning Commission, may by special permit, allow:

- (b) ~~Medical offices~~ Ambulatory diagnostic or treatment health care facilities listed in Use Group 4 on the third floor of such #buildings# in C1 Districts, provided the following findings are made:

- (1) that such ~~offices~~ facilities are used exclusively for staff of, or staff affiliated with, the non-profit or voluntary hospital;

2/8/90

81-722

Use Group T

The following #uses# are subject to the limitations on location and #floor area# of the underlying zoning district:

#Uses# marked with an asterisk (*) are allowed only on #narrow street# frontages.

#Use#

*Ambulatory diagnostic or treatment health care facilities listed in Use Group 4

Antique stores

* Catering establishments

~~* Churches~~

Cigar stores

Hardware stores

~~* Health centers~~

Historical exhibits

* Household appliance repair shops - not permitted in C5 Districts

* Houses of worship

Ice cream stores

Luggage stores

~~* Medical offices or group medical centers~~

* Meeting halls

10/9/69

Article VIII - Special Purpose Districts

Chapter 3

Special Limited Commercial District

2/8/90

83-03

Use Group "LC"

Use Group "LC" comprises #residential uses# listed in Use Groups 1 and 2, and a group of specially related #uses# selected from Use Groups 3, 4, 5, 6, 8 and 9 to provide for the special needs, comfort, convenience, enjoyment, education and recreation of the residents of the surrounding communities and of the many visitors who are attracted to its activities.

A. Amusements

Theaters, limited to a capacity of not more than 300 seats

B. Community Facilities

Ambulatory diagnostic or treatment health care facilities
listed in Use Group 4

~~Churches, rectories, or parish houses~~

Clubs, except:

(a) clubs, the chief activity of which is a service
predominantly carried on as a business;

(b) non-commercial outdoor swimming pool clubs; or

(c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#

Colleges or universities, including professional schools

College or school student dormitories ~~or~~ and fraternity or sorority student houses

Community centers or settlement houses

~~Government operated health centers or independent out-of-hospital health facilities incorporated pursuant to Section 35 of the New York State Social Services Law~~

Houses of worship, rectories, or parish houses

Libraries, museums, or non-commercial art galleries

~~Medical offices or group medical centers, including the practice of dentistry or osteopathy, limited to a location below the level of the first #story# ceiling, except that in multiple dwellings such #uses# may be located on the second floor, if separate access to the outside is provided or such #use# existed on January 1, 1948~~

Monasteries, convents, or novitiates used only for living purposes, provided that such #use# is to be part of a group of #buildings# accommodating church house of worship activities, #schools# or other church house of worship facilities which existed on December 15, 1961, or any applicable subsequent amendment thereto, and that such #use# is to be located on the same #zoning lot# with one or more #buildings# in such group of #buildings# or on a #zoning lot# which is contiguous thereto or directly across the #street# on which such #buildings# face

3/18/76

97-10

SPECIAL PROVISIONS FOR R(M) SPECIAL NORTHSIDE MIXED USE DISTRICT

3/18/76

97-111

Use Group M

A. Apparel and Textile Manufacturing Establishments

Statuary, mannequins, figurines, or religious ~~or church~~ art,
excluding foundry operations

Steel, structural products, including bars, girders, rails,
wire rope or similar products

1/9/75

Article X - Special Purpose Districts

Chapter 6

Special Coney Island Mixed Use District

1/9/75

106-311

Use Group M

Apparel or other textile products from textiles or other
materials, including hat bodies or similar products

Statuary, mannequins, figurines, or religious ~~or church~~ art,
excluding foundry operations

Textiles, spinning, weaving, manufacturing, printing, knit goods,
yarn, thread or cordage, but not dyeing

9/11/75

Article X - Special Purpose Districts

Chapter 8

Special Franklin Street Mixed Use District

9/11/75

108-111

Use Group M

A. #Manufacturing uses#

Apparel or other textile products from textiles or other materials, including hat bodies or similar products

Statuary, mannequins, figurines or religious ~~or church~~ art, excluding foundry operations

Textiles, spinning, weaving, manufacturing, printing, knit goods, yarn, thread or cordage, but not dyeing

1/20/77

Article XI - Special Purpose Districts

Chapter 2

Special City Island District

3/6/86

112-121

Accessory parking and floor area requirements for eating or drinking establishments

For eating or drinking establishments, the provisions of Sections 36-23 or 44-23 (Waiver of Requirements for Spaces below Minimum Number) or Sections 52-41 (General Provisions) with respect only to #enlargements# or #extensions# to provide off-street parking spaces, 73-43 (Reduction of Parking Spaces for Churches Houses of Worship or Places of Assembly) and 73-45 (Modification of Off-

Site Parking Provisions) are hereby made inapplicable.

3/26/92

122-10

SPECIAL USE REGULATIONS

In order to preserve the residential character of the Special District, the applicable #use# regulations of the underlying districts are modified as follows:

However, if a #building# on a Commercial Infill Site contains an entrance from the Grand Concourse as well as from the cross-street running underneath the Concourse, such entrance floors at both #street# levels may be occupied by retail #uses# listed in Use Group 6 if they were in existence prior to July 1, 1981 as a lawful #use#. In those cases, the #use# of the remaining #stories# of such #building# shall be limited to business, professional, ~~medical~~ or governmental offices or to ambulatory diagnostic or treatment health care facilities as set forth in Use Group 4A and/or Use Group 6B, regardless of the locational restrictions in Use Group 4.

12/10/97

Article XII - Special Purpose Districts

Chapter 3

Special Mixed Use District

12/10/97

123-21

Modification of Use Groups 2, 3 and 4

The #uses# listed in Use Group 2, and the following #uses# listed in Use Groups 3 and 4: college or school student dormitories ~~or~~

and fraternity or sorority student houses, domiciliary care facilities for adults, nursing homes and health-related facilities, philanthropic or non-profit institutions with sleeping accommodations, monasteries, convents or novitiates, #non-profit hospital staff dwellings# without restriction on location, and non-profit or voluntary hospitals, may only locate in the same #building# as, or share a common wall with a #building# containing, an existing #manufacturing# or #commercial use#, upon certification by a licensed architect or engineer to the Department of Buildings that such #manufacturing# or #commercial use#: ...

12/10/97

123-222

Uses permitted with restrictions

The following #uses# from Use Groups 16 and 17 are permitted in #Special Mixed Use Districts# subject to the certification requirements and locational restrictions of this Section:

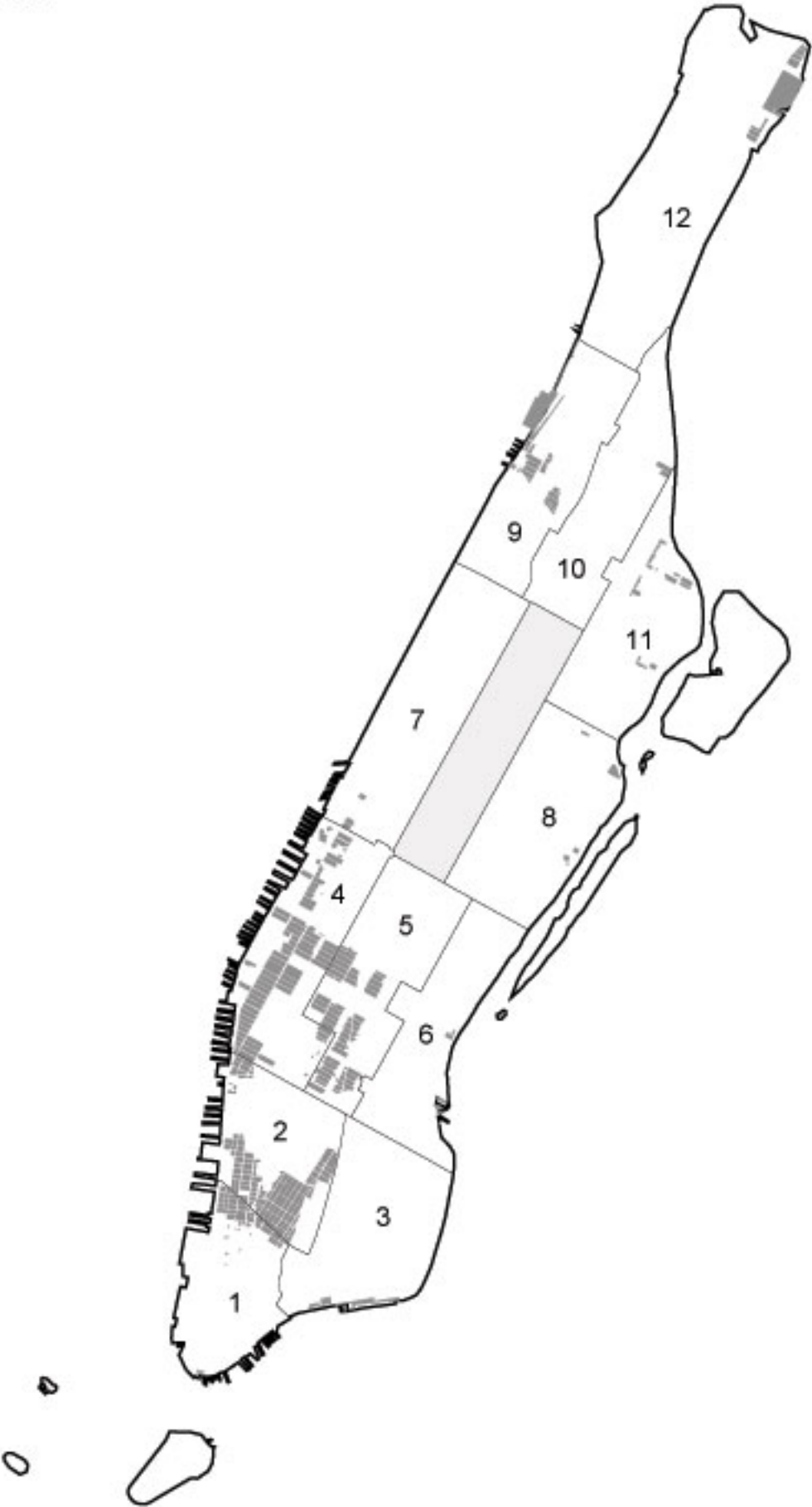
From Use Group 17B (Manufacturing Establishments):

Adhesives, excluding manufacture of basic components

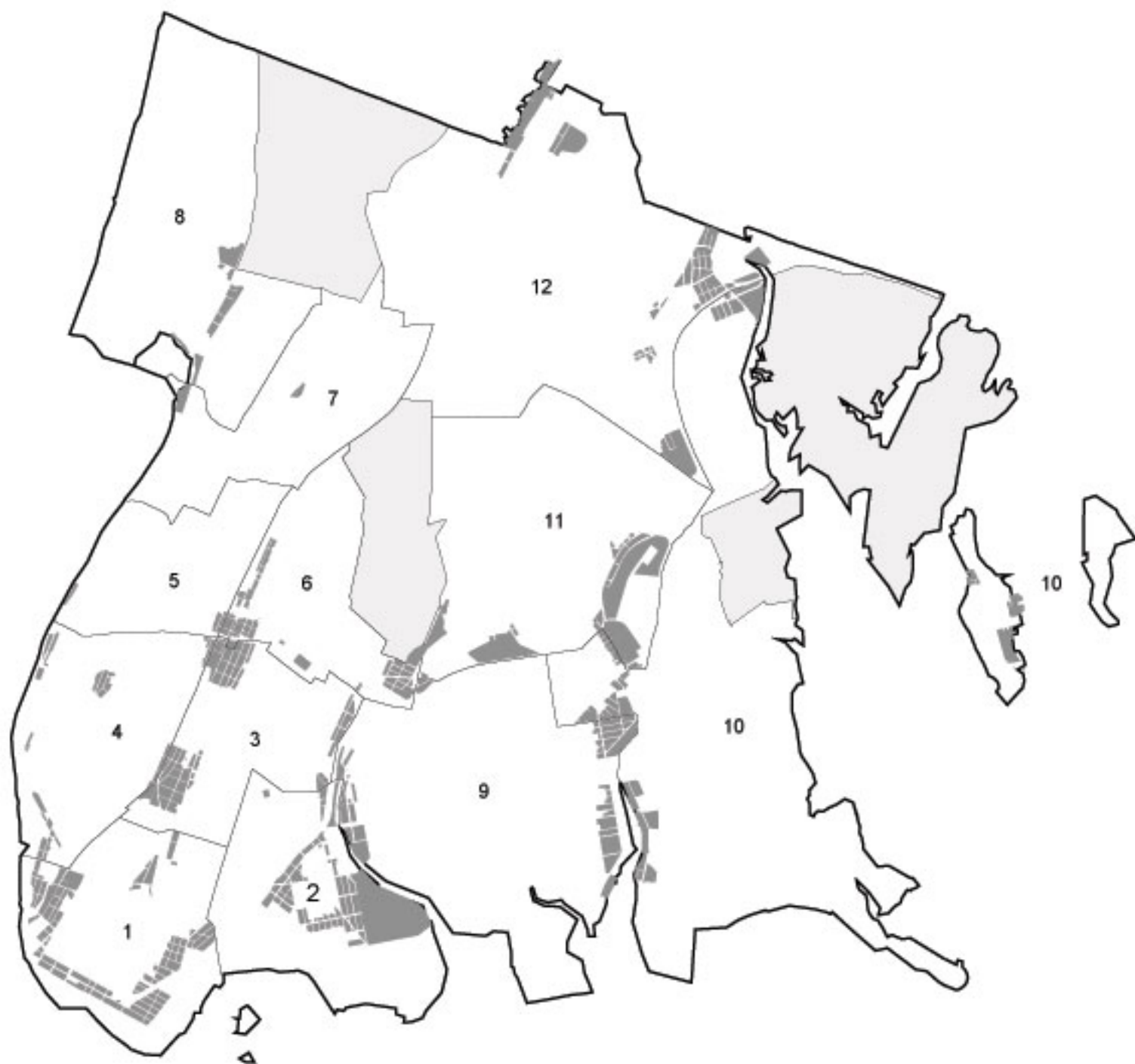
Statuary, mannequins, figurines, or religious ~~or church~~ art goods, excluding foundry operations

Steel products, miscellaneous fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products

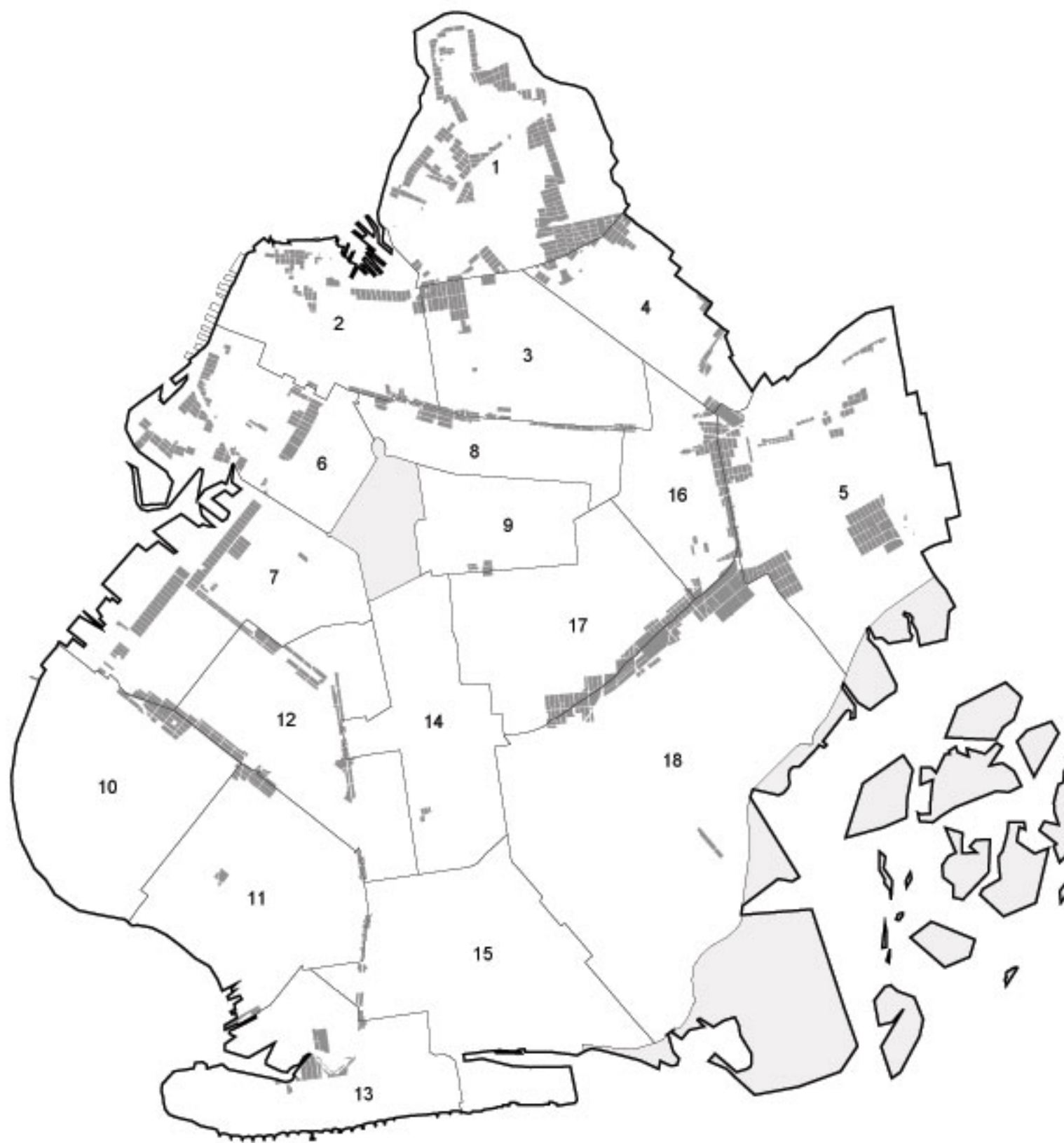
-end-



**M1 DISTRICTS
BRONX**



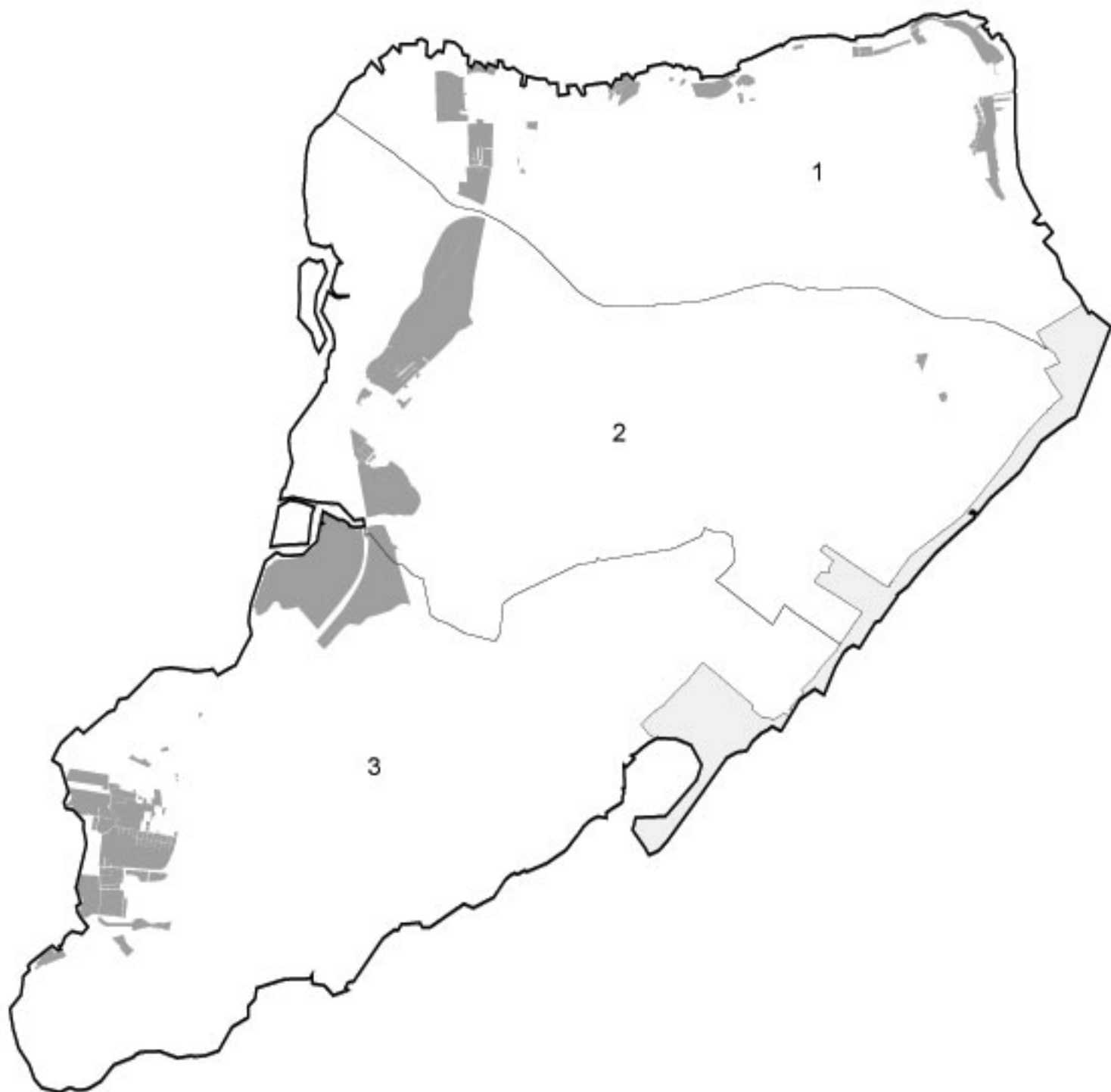
**M1 DISTRICTS
BROOKLYN**



M1 DISTRICTS QUEENS

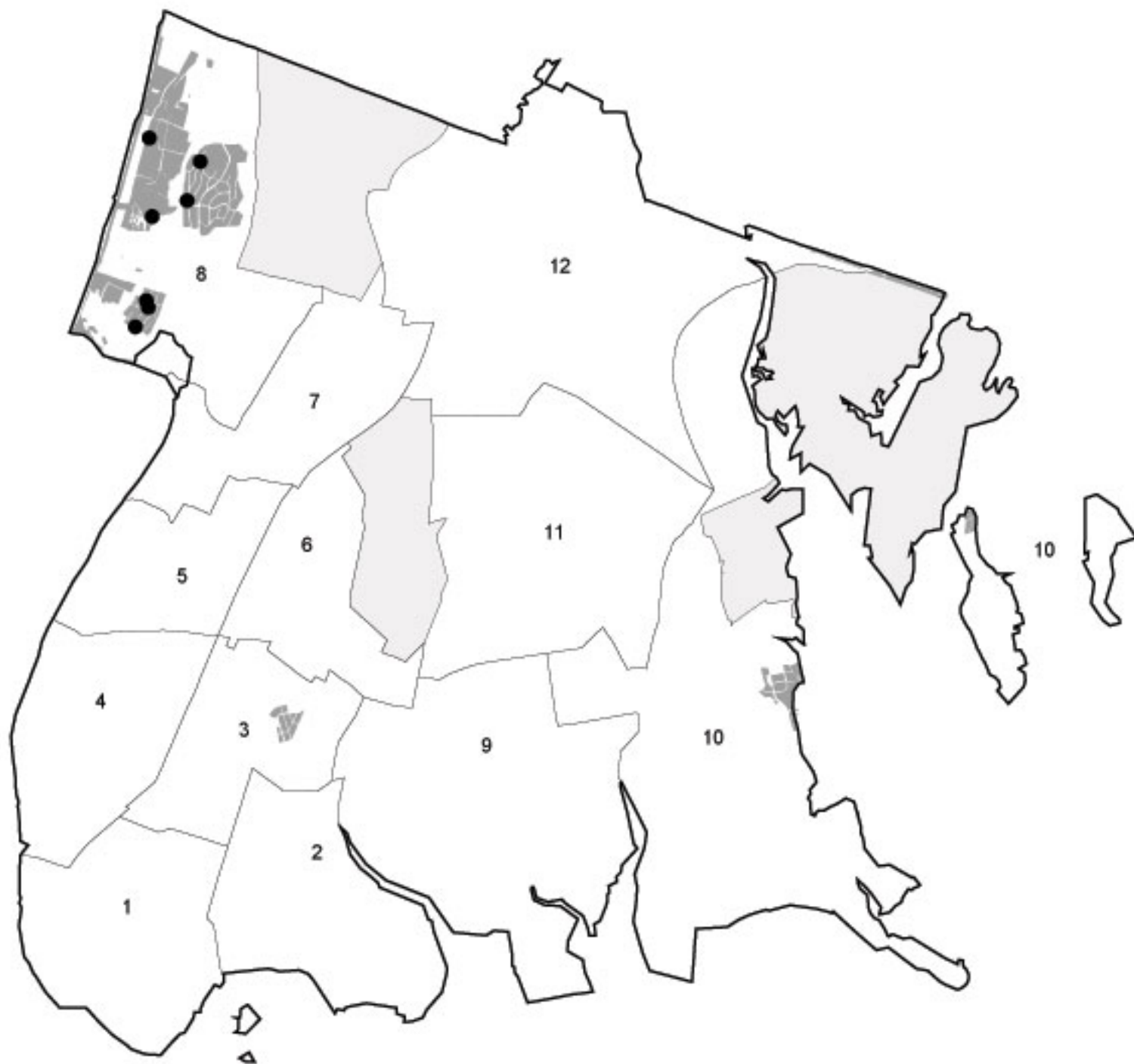


**M1 DISTRICTS
STATEN ISLAND**



Map 1A

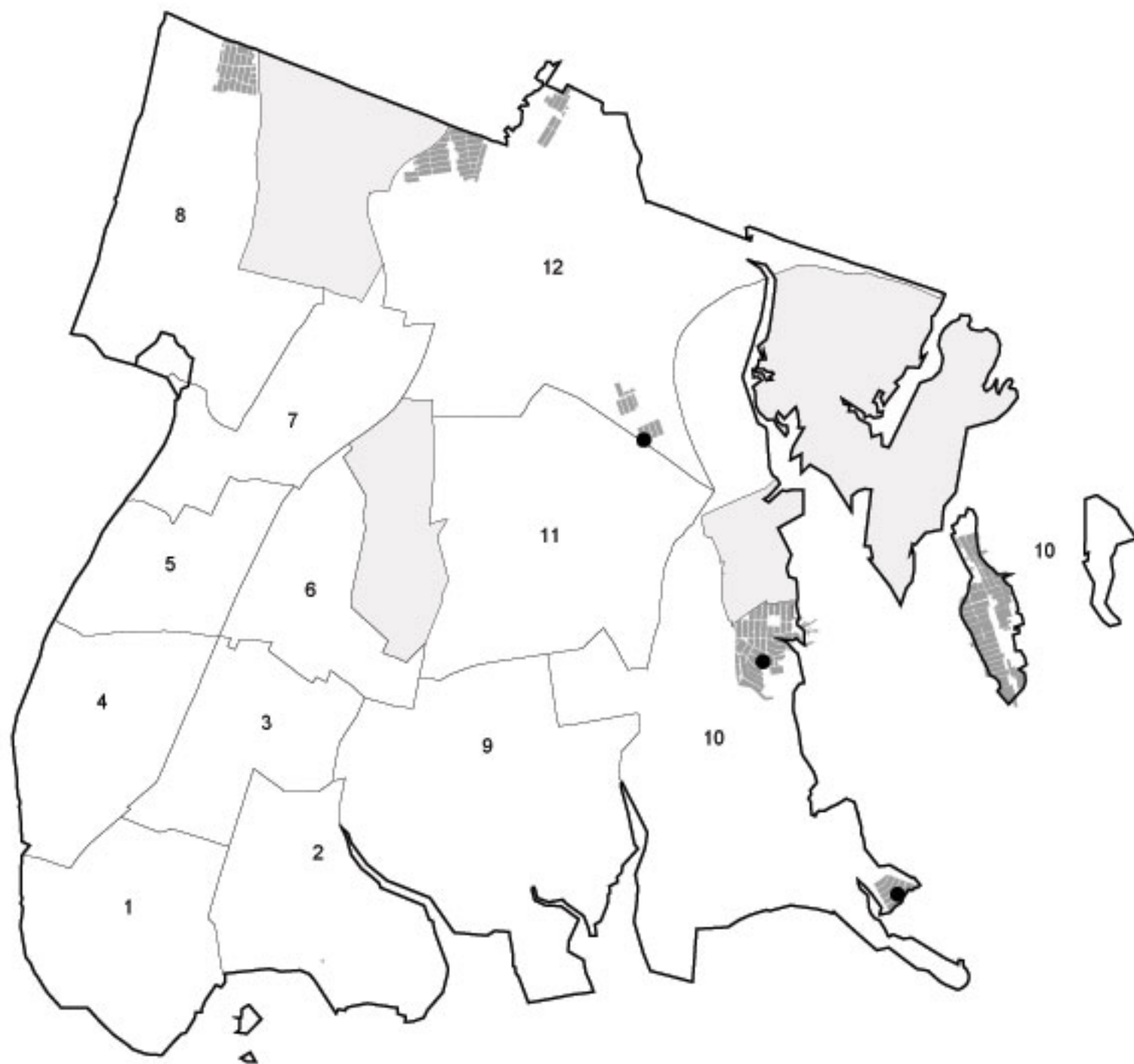
Districts where Ambulatory Health Care Facilities WOULD NOT BE PERMITTED* BRONX



● "New" ambulatory facility

* Includes R1 and R2 districts

Districts where Ambulatory Health Care Facilities would be LIMITED to 1500 sf*
BRONX



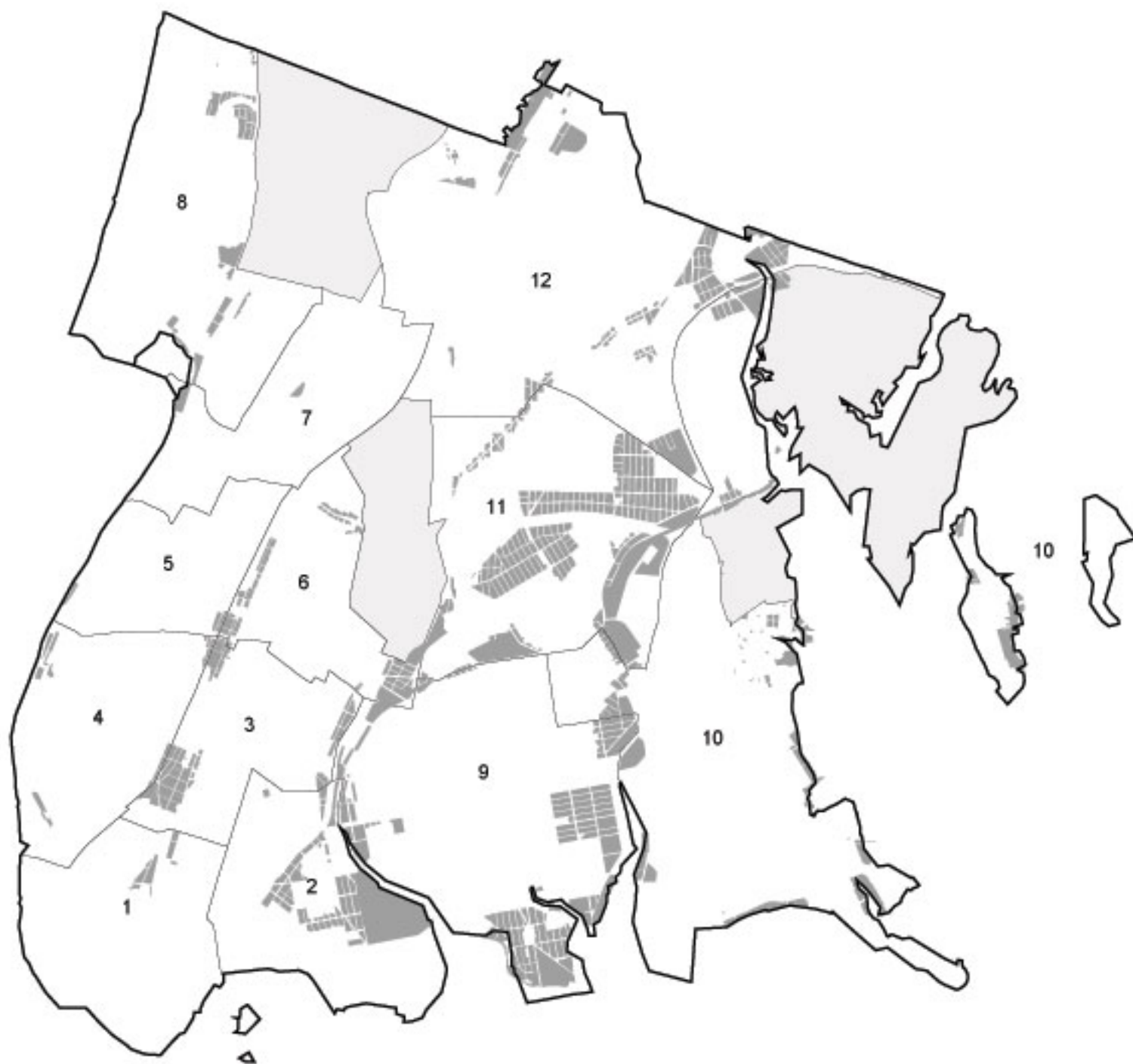
- "New" ambulatory facility

* Includes R3A, R3X, R3-1, R4A, R4B, and R4-1 districts

Map 1C

Districts where Ambulatory Health Care Facilities would be PERMITTED
WITHOUT SIZE RESTRICTION and FAR of 1.0*

BRONX



* Includes commercial overlays in 1+2-family districts, R3-2, C3, C8-1, and M1-1 districts

Map 1D

Districts where Ambulatory Health Care Facilities would be PERMITTED WITHOUT SIZE RESTRICTION and FAR of 2.0 or more*

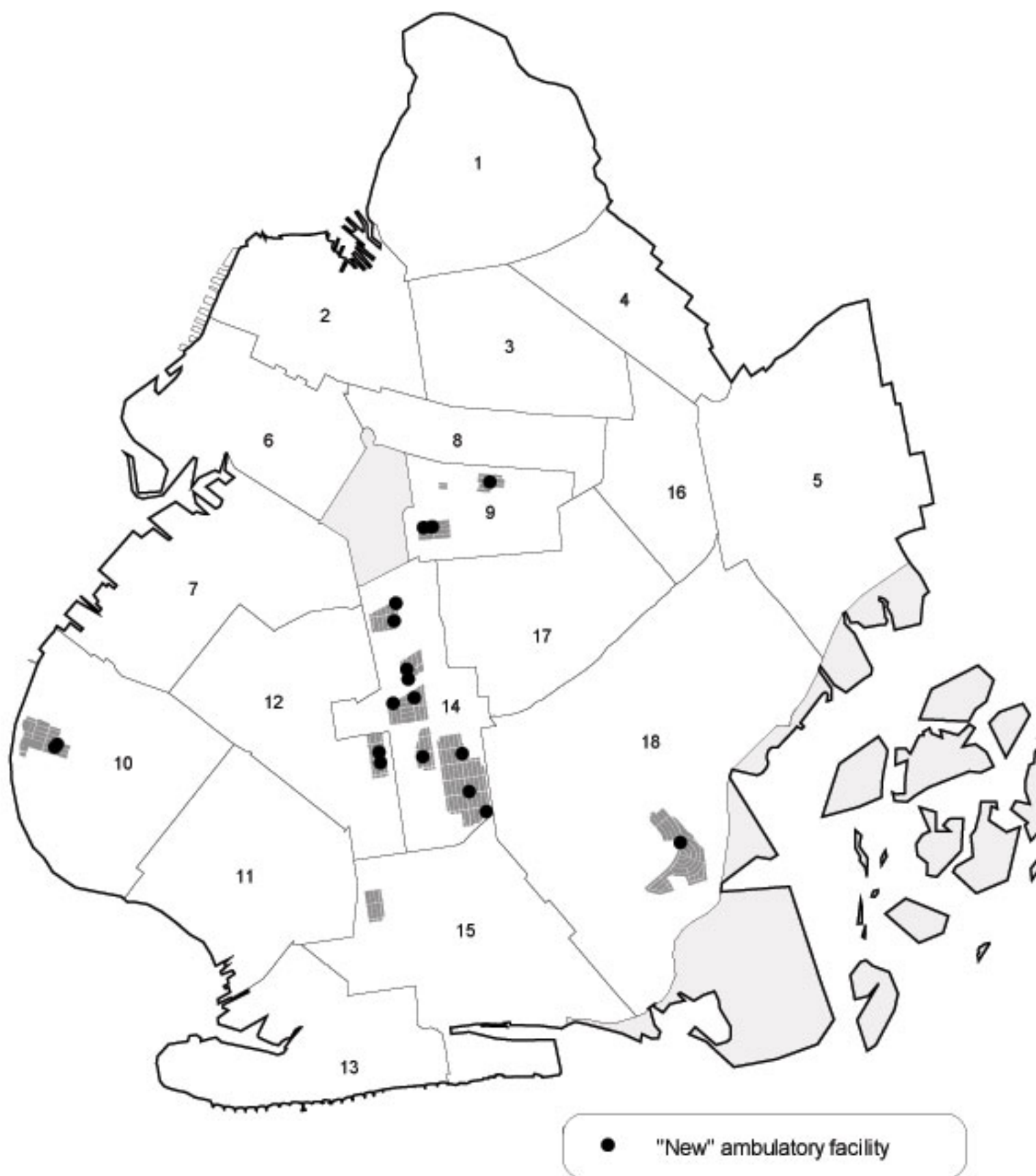
BRONX



* Includes all other residential and commercial districts (except C7), commercial overlays in R3-2 districts, and as offices in M1-2, M1-3, M1-4, M1-5, M1-6, M2, and M3 districts.

Map 2A

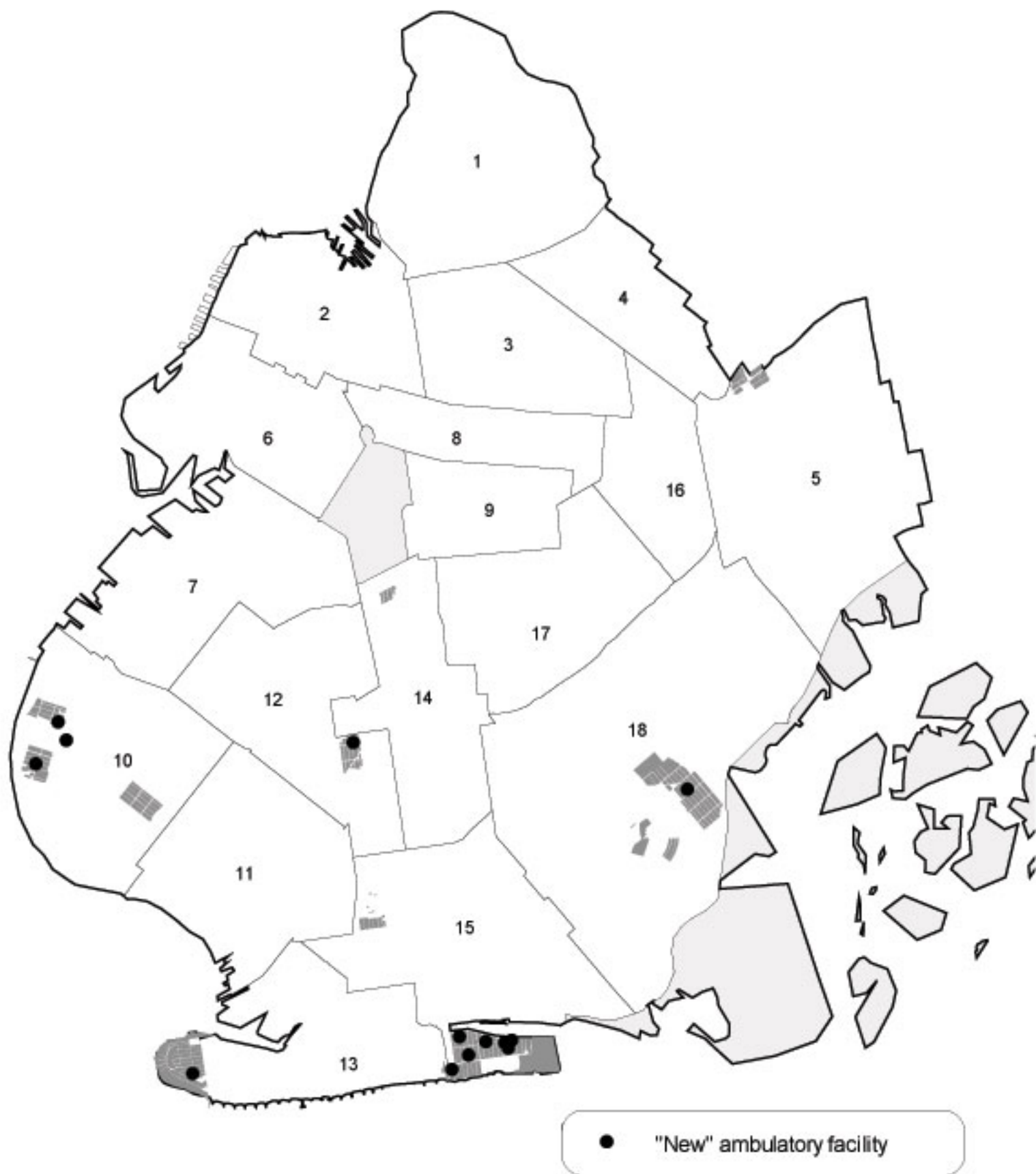
Districts where Ambulatory Health Care Facilities WOULD NOT BE PERMITTED* BROOKLYN



* Includes R1 and R2 districts

Map 2B

Districts where Ambulatory Health Care Facilities would be LIMITED TO 1500 sf
BROOKLYN

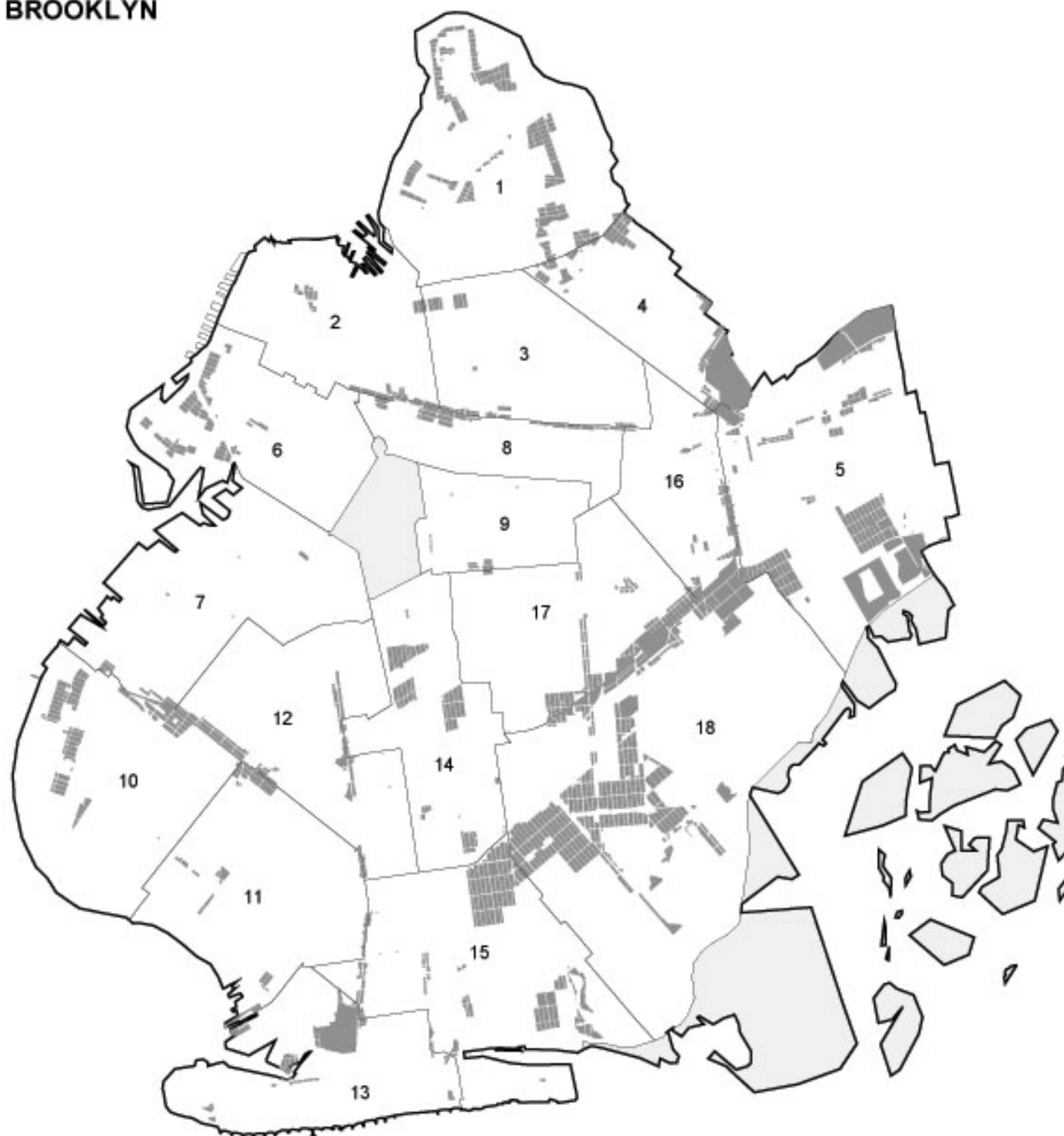


* Includes R3A, R3X, R3-1, R4A, R4B, and R4-1 districts

Map 2C

Districts where Ambulatory Health Care Facilities would be PERMITTED
WITHOUT SIZE RESTRICTION and FAR of 1.0*

BROOKLYN



* Includes commercial overlays in 1+2-family districts, R3-2, C3, C8-1, and M1-1 districts

Map 2D

Districts where Ambulatory Health Care Facilities would be PERMITTED WITHOUT SIZE RESTRICTION and FAR of 2.0 or more*

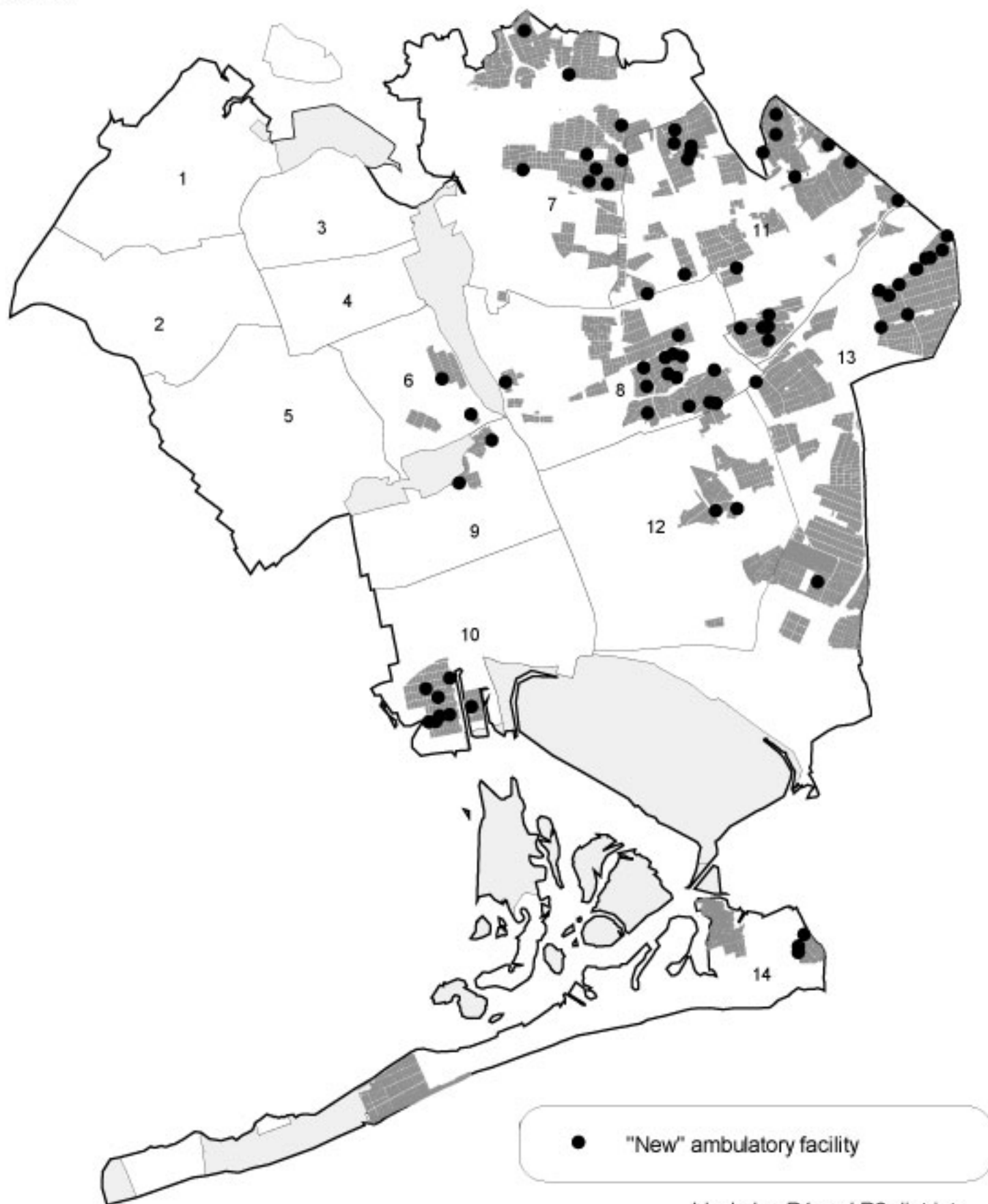
BROOKLYN



* Includes all other residential and commercial districts (except C7), commercial overlays in R3-2 districts, and as offices in M1-2, M1-3, M1-4, M1-5, M1-6, M2, and M3 districts.

Map 3A

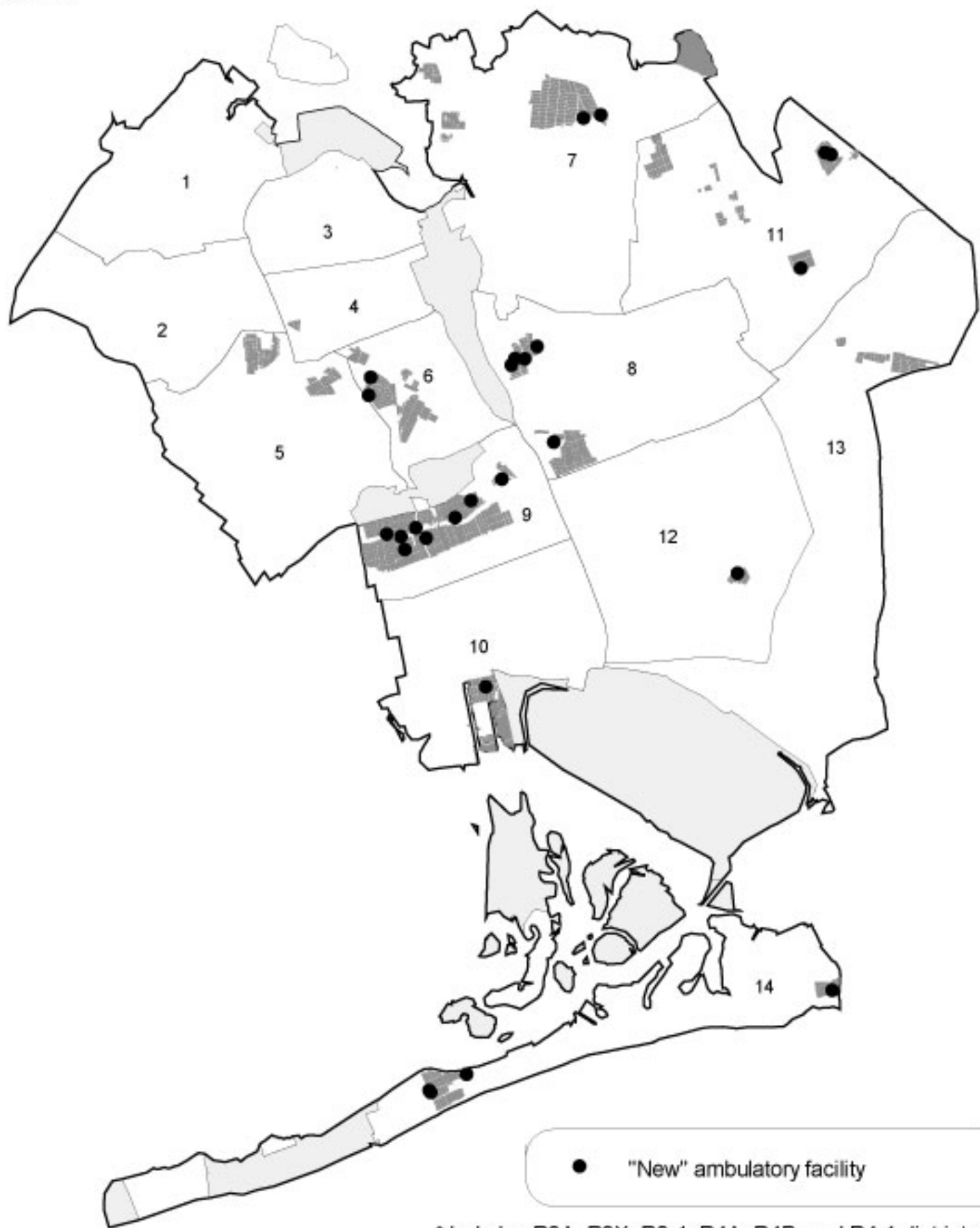
Districts where Ambulatory Health Care Facilities WOULD NOT BE PERMITTED*
QUEENS



* Includes R1 and R2 districts

Map 3B

Districts where Ambulatory Health Care Facilities would be LIMITED to 1500 sf*
QUEENS



* Includes R3A, R3X, R3-1, R4A, R4B, and R4-1 districts

Map 3C

Districts where Ambulatory Health Care Facilities would be PERMITTED
WITHOUT SIZE RESTRICTION and FAR of 1.0*

QUEENS



* Includes commercial overlays in 1+2-family districts, R3-2, C3, C8-1, and M1-1 districts

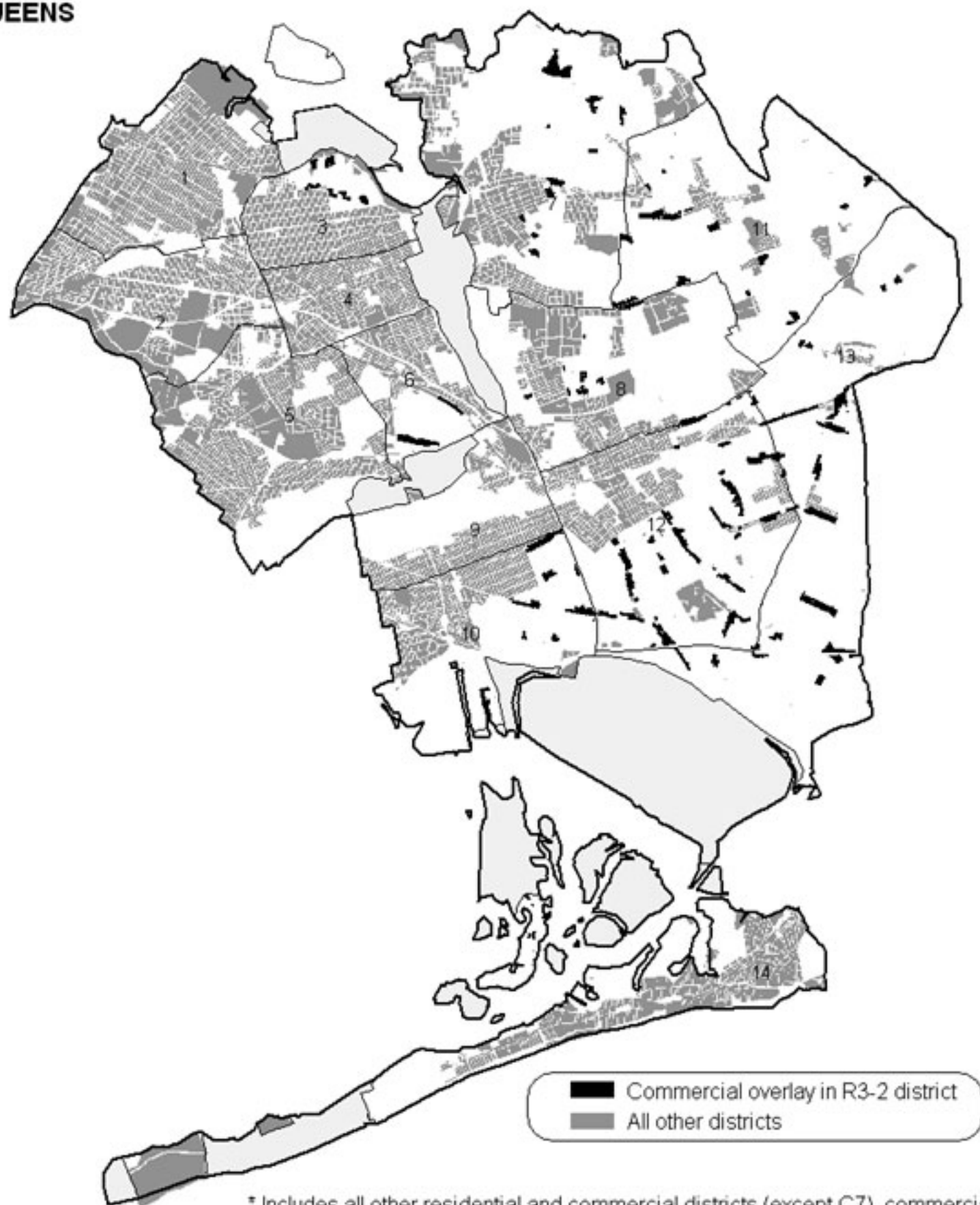
DEPARTMENT OF CITY PLANNING, CITY OF NEW YORK

12/01/03

Map 3D

Districts where Ambulatory Health Care Facilities would be **PERMITTED WITHOUT SIZE RESTRICTION** and FAR of 2.0 or more*

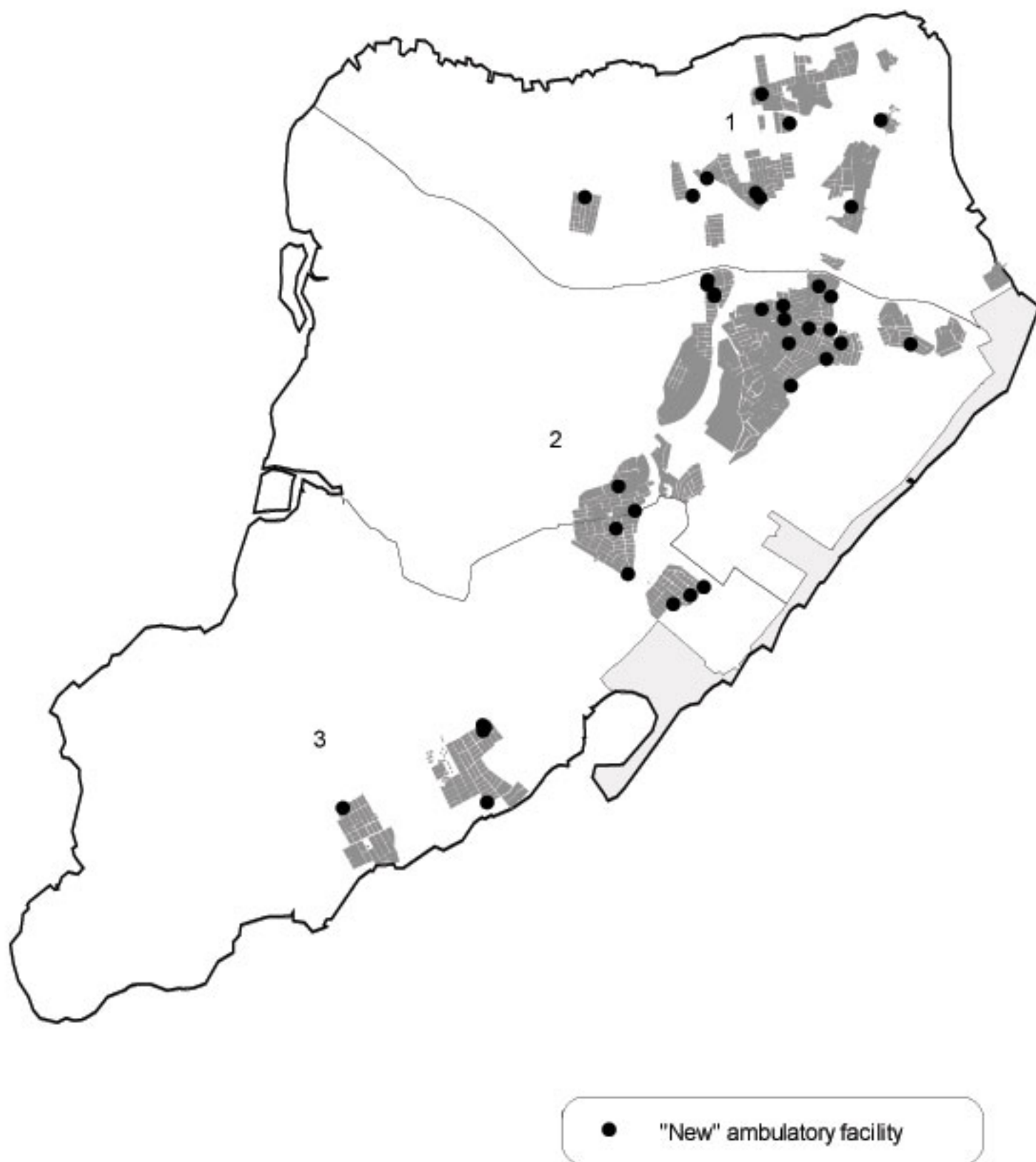
QUEENS



* Includes all other residential and commercial districts (except C7), commercial overlays in R3-2 districts, and as offices in M1-2, M1-3, M1-4, M1-5, M1-6, M2, and M3 districts.

Map 4A

Districts where Ambulatory Health Care Facilities WOULD NOT BE PERMITTED* STATEN ISLAND



* Includes R1 and R2 districts

Map 4B

Districts where Ambulatory Health Care Facilities would be LIMITED TO 1500 sf*

STATEN ISLAND



* Includes R3A, R3X, R3-1, R4A, R4B, and R4-1 districts

Map 4C

Districts where Ambulatory Health Care Facilities would be PERMITTED
WITHOUT SIZE RESTRICTION and FAR of 1.0*

STATEN ISLAND



* Includes commercial overlays in 1+2-family districts, R3-2, C3, C8-1, and M1-1 districts

Map 4D

Districts where Ambulatory Health Care Facilities would be PERMITTED WITHOUT SIZE RESTRICTION and FAR of 2.0 or more*

STATEN ISLAND



* Includes all other residential and commercial districts (except C7), commercial overlays in R3-2 districts, and as offices in M1-2, M1-3, M1-4, M1-5, M1-6, M2, and M3 districts.